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EDITED BY

I. ABRAHAMS AND C. G. MONTAGUE.

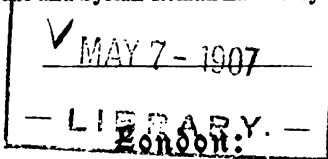
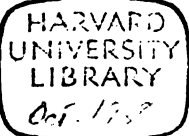
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THE JEWISH QUARTERLY REVIEW

APRIL, 1907

THE ORIGIN OF THE JEWISH COLONY OF SYENE (ASSUAN).

AMONG the numerous members of the Jewish colony of Syene, who are named in the noteworthy Aramaic Papyri, acquired by Lady Cecil and Mr. Mond, and edited by Sayce and Cowley, the occurrence of persons named Hosea (הושע) is especially frequent. As witnesses we find subscribed in Papyrus B.: Hosea son of Peti-ḥnûm (הושע בר פתיחנות) line 17; in Document C.: Hosea son of Pelaliah (הושע בר פלליה) line 17 Hosea son of Re'ûyah (הושע בר רעויה) line 21, and Hosea son of Yigdal (הושע בר יגדל) line 22. The last-named three Hoseas also appear in Papyrus D. (lines 30, 33, and 34). As a householder we find in Papyrus J. (line 5) Hosea son of Uriah (הושע בר אוריה), and his son is twice named in the same document (lines 17, 20) as Yedoniah son of Hosea (ידניה בר הושע), and once (line 2) as Yedoniah son of Hoshaiia son of Uriah (ידניה בר הושעיה) (בר אוריה), where Hoshaiia (הושעיה) is an erroneous elongation of Hosea (הושע). Further, a witness in Papyrus A. (line 17) is named Shemaiah son of Hosea (שמעיה בר הושע); another witness in B. (line 18), Meshullam son of Hosea (משלם בר הושע), while in E. (line 14) there is mentioned a house-

holder named Gadôl son of Oshea (גדול בר אושע), where Oshea (אושע) is the same as Hosea (הושע), just as אושעיה in H. 18 is the same as הושעיה in A. 19.

Now this frequency of the name Hosea may possibly be a clue to the origin of this Jewish colony in Upper Egypt. In the Bible, the name Hosea is almost exclusively applied to Ephraimites. The oldest bearer of the name is Hosea son of Nun of the Tribe of Ephraim (Num. xiii. 8, 16; Deut. xxxii. 44). The Book of Chronicles (I. xxvii. 20) names as Prince of the Tribe of Ephraim in the time of David, Hosea son of Azariah. The great Prophet of the Northern Kingdom, probably an Ephraimite, was Hosea son of Beëri; and the last king of this realm was Hosea son of Elah. The name Hosea occurs elsewhere only once, namely in Neh. x. 24. This solitary exception does not hinder us from concluding that the name Hosea was specially common in the Northern Kingdom, and particularly in the Tribe of Ephraim.

As, then, this name appears in the colony of Syene and Elephantine as one of the commonest personal names, it seems reasonable to suggest that this colony, at least in part, consisted of descendants of people belonging to the Ten Tribes.

The same conclusion is confirmed by frequent use of another personal name, Menaḥem (מנחם). Among the witnesses in Papyrus G. (line 38) occurs Menaḥem son of Zaccur (מנחם בר זכור); in H. (line 17) there is a witness Menaḥem son of Gadôl (גדול בר מנחם), and another Menaḥem son of 'Azariah (מנחם בר עזריה); in J. (line 18) witnesses appear named Menaḥem son of Shallum (מנחם בר שלום) and Menaḥem son of Gadôl son of Ba'adyah (מנחם בר גדול בר בעדיה); the last-named, simply as Menaḥem son of Gadôl (גדול בר מנחם), appears in K. line 15 (as well as H. line 17). In document H. Menaḥem with his brother 'Ananiah (ענניה) sons of Meshullam son of Shelomim (שלום בר משלם), are mentioned as principals. In the Bible the name Menaḥem only occurs as the name of one of the

last kings of the Northern Kingdom; he came from Tirzah (2 Kings xv. 14), and was thus in origin an Ephraimite.

The suggestion derived from these two names Hosea and Menahem may serve to throw a clearer light on the Jewish colonists settled in Syene. They were, in part at least, descendants of the Ten Tribes, who with the Persian army under Cambyzes had come, from their second home in Assyria and Media, to Egypt, where they received grants of land (see Schürer in the *Theologische Literaturzeitung*, January 5, 1907, col. 6). In Syene they constituted a common colony together with Judeans, who had come to Egypt either direct from Judea or from Babylonia with the Persian army. The mixed character of the colony would explain the surprising circumstance that its members are sometimes designated Jews (Judeans יהודי, plural יהודין) and sometimes Arameans (ארמי, plural ארמין, ארמאי). As Jews would be designated only those members of the colony who came from the province of Judah (מדינתא די יהוד), or who were descendants of Judeans coming from Babylonia. On the other hand, the descendants of the Ten Tribes would be called Arameans. Perhaps the latter were so called in the lands of the Exile; or they may have acquired this title for the first time in the Persian army, where they were associated with other groups, really Aramean, because of their similarity in speech.

At all events, we may assume that the descendants of the Ten Tribes were not yet called Judeans in the time of the first Persian kings. When the Ephraimites found themselves in Assuan side by side with Judeans, and united in one community, both designations were applied to the members of the community, for the Judeans might also have been named Arameans because of their language. It thus came about that one and the same person is, in the Papyri, sometimes called a Judean, sometimes an Aramean; Mahseiah son of Yedoniah is once called Aramean (ארמי), and on another occasion Judean (יהודי),

and the same is the case with Qoniyah son of Zadoq (B. line 3 ; A. line 2 ; B. line 8 ; A. line 2). As a curiosity, I may further note that in the Talmudical time the designations here used alternatively of the same persons (Aramean and Jew) were employed to express the religious opposition between Jews and heathens (see *T. J. Shebiith*, 35 b. top 1 : א. יהודא יהודא א. ארמא ארמא. Compare *Die Agada der palæst. Amoräer*, III, 586 ; 652, 1).

Perhaps we can thus also account for the surprising phenomena which the Syene Papyri reveal with regard to certain religious conditions : "the altar of the God Jahu" (J. line 6), the oath of the Jewess Mibṭahyah before the Egyptian goddess Sati (F. line 5). The mixed character of the Judean-Aramean community may possibly explain all this.

W. BACHER.

H. N. BYALIK AND HIS POEMS¹.

Translated from the writer's Russian MS. by
HELENA FRANK.

I.

Habent sua fata, libelli, scriptores. An author may have talent and even genius, his work may be intrinsically good, but this is not enough to secure him contemporary fame beyond the limits of his immediate literary surroundings. Widespread recognition and success depend on other things as well: on the political status of the people to whom he belongs; on the language in which he writes; on the general disposition of the public at the moment of his appearance; on the purely accidental feeling towards him of one or two influential critics; last, but perhaps not least, on the writer's origin.

The universal celebrity of Maxim Gorki is not due so much to his incontestable genius and originality as to the growing interest of the civilized world in the empire of 150 millions, of whom he is looked upon as the representative. To take the factor of language—"Die Leute von Seldwyla" by the Swiss Gottfried Keller, though written in a comparatively familiar tongue, is little known outside the German literary world, while G. Ohnet, a far less powerful writer than G. Keller, is widely read—thanks to the French language and the everywhere admitted charm of French polite letters—in other countries than France. Multatuli is a stranger to most bookshelves, less on account of his deficiency in form than because of the

¹ As materials for this article may be mentioned: Byalik's works in separate editions, and in Jewish periodicals; articles by T. Klausner; recollections of certain of the poet's friends and acquaintances.

slender interest taken by foreigners in contemporary Holland, and because of the rarity of the acquisition of Dutch. *Uncle Tom's Cabin* and Bellamy's *Looking Back* are well-known examples of books whose celebrity is largely due to their having appeared at the psychological moment. Had the Scandinavian authors no such propagandist as G. Brandes, were there no colonies of Scandinavian *littérateurs* and artists in the chief European centres writing fluently in many tongues, and bent on publishing abroad the fame of their compatriots, the literature of their small countries would be unknown in the rest of Europe to this day. And it is possible that Tolstoi and Gorki owe not a little of their popularity—the first, to his title of Count, the second, to his romantically humble extraction.

Present day Jewish literature in Hebrew or Yiddish, a literature born and cradled in adversity, knows of no favouring circumstance, and suffers continually from the unnatural conditions under which its people are living. Earth has no single corner of whose nature and culture it can claim to be the complete expression. The majority of those Jews who are regarded by the Gentile world as representing the Jewish people, declare that Jewish national literature is a thing of the past. The Jewish "upper ten thousand" either does not know, or tries to forget, both languages above-mentioned—the historic language of Judaism, and the language of the Exile. There might be any number of good writers in Hebrew and Yiddish, and their very names not reach the ears of the Jewish upper classes, who only become aware of their existence when they are mentioned by some more fortunate western brother and fellow-writer. No people neglects its intellectual treasure to the same extent as the Jewish. Even the Hebrew works of Asher Ginsberg (Ahad Ha'am), who has contributed so much to the spiritual regeneration of the Jewish millions in Russia, are practically unknown, not only among Gentile students, but among the educated

Jews of the West, while even a Max Nordau has made no secret of his inability to appreciate them. The *Jewish Encyclopedia* contains many proofs of this ignorance of East-European Jewish life. To take the one which concerns us most nearly: there was no room found for the Hebrew poet Byàlik in vol. III (Be-Ch) which is dated 1902, although a collection of his poems had appeared a year previously. It is only in an article on general Hebrew literature in vol. VIII, that we find two half-lines on the subject of this article. And it is only quite lately, thanks to the publication by the *Jewish Quarterly Review* (October, 1906) of a translation of his Yiddish poem on the pogròms, that some interest has been aroused here in Byàlik's personality and in his other works.

II.

Hayyim-Nahman Byàlik was born in 1873 into a poor family in the hamlet of Rady, in Volynia. His father was a pious Hassid, versed in Rabbinical and Talmudic lore, at one time accountant to the local millers and dealers in wood. At the time of the poet's birth he kept a tavern for the peasants. It is surely only among the old-fashioned Jews that we find these strange double personalities, or rather, that we see men living in two worlds: one, a world of small traders, street porters and publicans—of petty and sometimes sordid realities; the other, a dream-world filled with the highest conceptions of moral beauty and of a religious and spiritual nationalism. Byàlik's father, while he poured out *vodka* for the peasants and listened to their drunken mutterings, would be racking his brain over some question in the Talmud or Kabbalah, or puzzling out the hidden meaning of a story from the life of a Zaddik¹. Rady, like all the villages in South-west Russia, was surrounded by fields and woods, and intersected by gardens, and if there were no mountains to be seen, there

¹ Saint.

were hills and green banks, and the soul of the future poet drank unconsciously of the quiet beauty of his surroundings. In 1879, the family moved to Zhitòmir, and settled in the outskirts of the town. The neighbourhood was still almost rural—but Hayyim-Nahman was now six years old, and the "yoke of the Torah" was laid on his shoulders. He began with the Pentateuch and the Psalms (with their scholastic interpretation), and quickly passed on to the Talmud and the Rabbinical literature. But his severance from Nature was not complete, for the *heder* (school) stood near a line of hills at the feet of which were some little lakes, and the pupils spent their free time out of doors lying under the trees, and looking across to the wood.

In the course of a year the father died, leaving a family of seven destitute souls. The mother was forced to confide her children to different relatives better off than herself, and to sell small-ware in the street. Byàlik's recollections of this period of his life are to be found in sequence in the poem: "My song" (שירי). The boy Hayyim-Nahman fell to the lot of an old grandfather, none too well pleased to have him. But the child showed such unusual intellectual aptitude that the old man, who was revered as an eminent Talmudist and scrupulous Hassid, soon grew fond of his little grandson on whom he looked as his spiritual inheritor. Holding to the beautiful Talmudic interpretation of the text: "A threefold cord is not quickly broken" (Ecclesiastes iv. 12), he was persuaded that the light of the Torah would not be extinguished "where the grandsire taught the grandchild." But this made him only the more exacting as to the fulfilment of tasks and religious duties, and all outbreaks of boyish mischief on Hayyim-Nahman's part were severely punished. Hayyim-Nahman being a very lively customer, there was no end to the pinches, slaps, and beatings he received, and not only from his grandfather and his rabbi: his numerous relatives, out of pity, so they

averred, for both grandfather and fatherless grandchild, corrected him on their own responsibility. Of course the boy was only provoked to wrath by this rough treatment, and revenged himself as best he could by a fresh series of tricks. At the same time he showed a passion for reading, and this he had ample means of gratifying, for his grandfather's store of books included, beside the Midrash, Kabbalistic works, others of a combined moral and philosophical nature, and stories of the lives of the saints. At eleven years old, he was already dipping into such philosophical works as the *Cuzari* of Jehudah Halevy and the *Moreh Nebukhim* of Maimonides. We are not called upon to suppose he understood them, but we must remember that in old days the Jewish scholar of eleven had already been through the difficult Talmudical commentaries known as Tossafoth and others. Anyway, the perusal of these books opened his mind to the enlightening influence of the Haskalah¹, the publications of which he was to come across a little later on.

The writer in Byàlik showed himself early. Hayyim-Nahman was only seven when he started creative work in a mixture of Hebrew, the Syriac of the Targum, and Yiddish. His teachers, like the generality of melammedim, were of limited instruction and intelligence, but there was one with a passion for the Agadah, who imbued him with that affection for the Midrash which has enriched his poetry with so many words, expressions, and themes. In his poem: "To the Agadah," Byàlik tells us what he owes to the poetry of the Talmudical period. Another teacher, with a *penchant* for the Bible pure and simple, led him to study the Prophets, at whom the Hassidim looked askance as being too liberal in their ideas of religious duty. At thirteen, Byàlik was confirmed and set free from *heder*, and he began to study for himself in the Beth Hammidrash (Rabbinical College).

¹ The move for enlightenment originated in Germany by Moses Mendelssohn, and which spread thence into Russia.

There was scarcely any one there in the intervals between the prayers, for the local Jews were all busy in their various callings. Only the Dayyan¹ went in and out to wind the clock, and to help the boy student in the capacity of elder comrade. Byalik made use of the solitude to read the books issued by the Haskalah, and he began to dream of going abroad and entering a rabbinical seminary. Being, however, without means to that end, and with no hope of obtaining them, he presently limited his ambitions to the curriculum of the Yeshibah or academy of Volozhin.

Volozhin—an old-fashioned little town in the government of Vilna—is chiefly inhabited by Jews. At the suggestion of the Vilna Gaon, Rabbi Elijah, the head of the Misnagedim, one of his scholars, the wealthy Rabbi Hayyim Volozhiner, founded in Volozhin, in 1803, a higher academy for the study of the Talmud and the checking of the spread of Hassidism. The custom of arranging for the supply of free meals to needy students by the householders, common to all other academies, was not practised in Volozhin. Hither came only those who had already distinguished themselves by their capacity or their acquirements, and the necessitous were supported by the academy itself. As time went on, the beams of West-European culture began to creep into the Yeshibah of Volozhin. Some of the students were afterwards to be found among the most enlightened rabbis in all Russia; others proceeded to rabbinical seminaries, and occupied posts abroad; others became Hebrew writers, and yet others entered Russian schools and were transformed into Russian Intellectuals and all manner of "ists." Towards the close of the '80's, the reactionary and anti-Semitic government tried to lord it over the Volozhin academy. But the directors chose rather to close it than bow to the hated tyrant.

It was long before Byalik's grandfather would consent to his nephew going to Volozhin, for Lithuania, in which

¹ The town-rabbi's legal assistant.

the town is situated, was known to be full of heretics, i. e. non-Hassidim. But having convinced himself, to his sorrow, that Byàlik had already lost his faith in the Zaddikim, he gave way. Byàlik had no sooner entered the academy than he was seized by the spirit of the place, and threw himself upon the Talmud with such ardour that a few months later the head of the academy declared: "His ancestors must have been Lithuanians! In justice to the Rosh-Yeshibah: the proverb, *Litvak = Zelemköpp*" (cross- or sharp-head) is current wherever Yiddish is spoken.

Byàlik has described his life in Volozhin in the long poem: *הַמְתָּקִיר*, best translated by the German *der Vielfleissige*. Another few months, and he joined the secret group of the Maskilim (who had mostly received their enlightenment through the medium of the Neo-Hebrew literature), and began to learn Russian. One of the first Russian books to fall into his hands was a collection of verses by the Jewish poet S. Frug, and Byàlik, as he read, felt his own slumbering genius stir vaguely within him. But his earliest printed work was in prose, the occasion of its appearance being as follows:—

The first two articles of Aḥad Ha'am on spiritual Zionism, published two years before, had made a profound impression on all readers of Hebrew by reason of their simplicity of form, and the originality of their contents. Their author, at the time the articles were written, had founded the secret society of the Benè Mosheh (which existed eight years), for the propagation of the spiritual Zionism mentioned. Then another Jewish writer, Yavetz, had taken the field with an Orthodox Zionism which united European culture with the minutest observances of old-fashioned Judaism. The wave of controversial excitement roused by these two authors swept through the Volozhin academy, and a Zionist group was founded (this was before the day of shekels, committees, and congresses), which entrusted Byàlik, who had declared for Aḥad Ha'am, with the drafting of a manifesto embodying a com-

promise between the opponents, and which was printed in the Petersburg *Hamelitz*.

But little by little Byalik tired of his stay at the Yeshibah, and he went secretly to Odessa, the centre of Jewish intellectual life, and, moreover, the home of Ahad Ha'am, with whom he was afterwards to form a close friendship. Without connexions, without means, without even a sufficient knowledge of his country's language, the eighteen year old youth adventured himself into the great Russian city. Shy, and of somewhat uncivilized manners, he did not know where to turn for help and guidance. Fortunately, the son of the then Rabbinical assistant was a former student at Volozhin, and his family secured for Byalik some gratuitous instruction, and a pupil to whom he gave lessons in Hebrew. For a few months all went well. Then the pupil died, and Byalik was once more adrift, when a happy chance brought him together with the veteran Jewish writer M. L. Lilienblum, to whom he showed his verses, and who gave him an introduction to Ahad Ha'am. The latter chose the poem, "To a bird" (אל הצפור), and sent it to the editor of the collection *Hapardes* for publication. The editor, Ravnitzki, took a fancy to other poems as well, but what could be expected by way of remuneration from a struggling Hebrew publisher?

1892 saw the closing of the Volozhin academy, and Byalik, afraid that news of his truancy might reach his relatives, had just resolved to go back to them, when he heard that his grandfather was dying. Having pawned his earthly possessions for a few rubles, he hastened home. (See the two poems: "From a far country," and "The return.")

The grandfather died, leaving his grandson a small sum of money. Then the well-meaning relations stepped in and exhorted him to marry, for what says the Talmud? "at eighteen years—the bridal." Byalik consented, and for some years he lived quietly, according to custom, in the house

of his wife's parents, busy perfecting his talents. A quantity of poems published by the firm Tushia, in 1902, belong to this period. Having "eaten his köst," he started life as an independent householder, and as a dealer in wood, hoping for abundant leisure in which to devote himself to literature. But not all poets have the business aptitude of William Morris, and Byalik soon lost what little fortune he had, and was obliged to recommence giving lessons in Hebrew in the families of well-to-do merchants. The impressions received in the course of this occupation are recorded in the gloomy verses: "Surely, the people is grass" (בְּאַיִן הָעָם קֶשֶׁת). In 1900 he went back to Odessa, where he is engaged with literature and teaching; he is assistant editor of the Hebrew monthly *Hashiloah*, gives lessons in Hebrew, and is a member of the publishing firm "Moriah."

III.

Like the Hebrew writers of the past generation, Byalik derives his inspiration almost exclusively from Jewish sources. But the older writers were ever unable to separate the kernel from the shell. Conscious or unconscious assimilators, they took upon themselves—with exception of the purely Biblical Judaism respected by the Jewish and Christian world alike—to look upon the whole of post-Biblical Jewish history and tradition as one tragic mistake. Criticizing the old customs and observances with heedless raillery, they called on Jewish youth to rebel against the Ghetto existence, and to shake themselves free from the stifling pressure of the past. But the generation to which Byalik belongs, notwithstanding their usual freedom of attitude with regard to religious matters, have an intense admiration for the traditions of Judaism enshrined in the Talmud and the Kabbalah. They acknowledge that, only behind the walls of a Ghetto could such measure of individualism as is possible for a people surrounded by foes and deprived of their country, have

been preserved through the centuries. They see, at the same time, that no racial antagonism, no anti-Semitism or Judaeophobia, no complicated ritual, no external barriers would have saved the Jewish race from extinction without their deep-rooted love for the Torah—their joy in life, and their strength in death. In Heine's *Prinzessin Sabbath*, it is only on Friday evenings that the enchanted Prince Israel recovers his human form for twenty-four hours. In Byalik's eyes, the starved and cowering creature "mit hündischen Gedanken" is never anything but a king's son, whose soul no evil magic has power to transform until he let go of his talisman—the Torah. Byalik loves not only the Biblical Judaism clung to by the semi-assimilated, but also the Talmudical Judaism which has enriched the world with many spiritual treasures: the limitless devotion to the Torah, the resolve to endure affliction because of hope in the Messianic ideal, the abandonment of the argument of physical force, purity of morals and perseverance in all things. This spirituality of the Jewish race, conceived and formulated by the prophets in the territorial period of Israel's history, has been preserved through 2,000 years of persecution and exile. To the group which includes the remarkable poems concerning the Beth Hammidrash and the Yeshibah of the Russian Ghetto, belongs also: "If thou would'st know the source. . ." (אם יש את נקשך לרעת את המעיין).

Byalik, however, taking Jewish history *en bloc*, is not blind to the shadows in the picture. The intense spirituality of the Ghetto turned the Jews away from nature, from the fresh air, from a healthy normal life and simple pleasures. Byalik sees and deplores the suppression, by the intellectual part of their being, of its physical complement—a suppression dangerous to heart and mind alike. He acknowledges the saving necessity for them to show some energy in self-defence, he is alarmed at the absence of primitive wildness in the character of the race. Especially sad in his eyes is the premature development of the Jewish

children. Their happy time ends almost with their babyhood. Heder-life usually begins for them when they are five to six years old, and it is a very hard and dreary one for that tender age. Therefore, and if we remember the poet's own unhappy boyhood, it is easy to understand why, in his contributions to Hebrew pedagogic literature, he continually reverts to the non-existence of childhood among the Jews. In one of his best poems: "Take me beneath thy wing" (הַכְּנִיסֵנִי תַּחַת כְּנָפֶךָ), he expresses his own longing after youth and love:—

O come and take thou me
Beneath thy wing, safe sheltered from all cares.
Thy breast the refuge of my head shall be,
The hiding-place of my rejected prayers.

In twilight's hour of ruth,
Bend down and hear the secret of my pain:
They say that somewhere in the world is youth—
Then where is mine? for I have sought in vain.

Hear yet again, I pray.
Consumed is my soul with inward fire;
And somewhere in the world is love, they say—
What is this love, to which all hearts aspire?

The stars my gaze deceived.
I had a dream, and now my dream has fled.
I come with empty hands, of all bereaved,
The last joy vanished and the last hope dead.

O come and take thou me
Beneath thy wing, safe sheltered from all cares.
Thy breast the refuge of my head shall be,
The hiding-place of my rejected prayers.

There is a whole series of his poems dealing with Nature; the former Yeshibah student, the *Yeshive-Boher* of the Gass, is as sensitive as any other poet to her beauty and her melancholy, to the subtle influences of sunshine and cloud. The following from the "Summer Songs" is one of his earlier lyrics in the line under consideration:—

Weary am I of the sad, spoilt summer!
Noonday and midnight the changeless sound
Filling my ears of the splash of the rain
Falling in sheets on the soaked, sodden ground.
Rain that beats on the thatch overhead,
Rain that taps, taps, taps at the window,
Seems, it would show me the grey world around,
Seems, it would drive me to wish myself dead.
Yonder there lies th' unharvested cornfield,
Waits for the sickle in vain,
Lower and lower where runs the long furrow
Bent with the weight of the grain.
Heavy with fruitage, the trees in the orchard
Groan as if tortured,
Overladen, with straining boughs,
While from the branches, never stopping,
Long, long tears are slowly dropping
Down to the earth . . .
I know the rain is good,
And fraught with blessing for the thirsty land:
Anon 'twill call the reaper to the field
And fill the barn with food
For man and beast—it brings down bread from heaven,
The gift of God flung broadcast from his hand,
As in reward for toil;
That little tender shoots below the soil,
Deep, deep below,
Do nestle to the rain with sucking lips
Like infants to the mother's breast. I know
There's many a parchèd thing
That waits for the fulfilment which the rain
Alone can bring.
I know, full soon the sun will shine again
And touch the apple's cheek with deeper red,
And ev'ry labour of our hands repay.
I know it friend—and yet I grieve to lose
One moment of the summer, brief at best,
To see her petals fall, untimely shed,
And all sweet hues and odours washed away.

Poems on other subjects express, not the pensive melancholy of the above, but a gloom verging on despair. Byalik is cut to the heart to see the Jewish middle class,

careless of the high traditions of their race, given over to the pursuit of wealth, and bent on nothing better worth having than titles and decorations. What are these descendants of Jacob not ready to give for Esau's lentil pottage? For a smile from a non-Jew they will renounce their own and their children's part in the heritage of Israel. The poem: "Surely the people is (withered) grass," has been mentioned.

Questions of social economy have no attraction for Byalik in themselves, although there are echoes of them in many of his verses. In contrast to most Jewish poets, such as M. Rosenfeld in Yiddish and "Yehallel" in Hebrew, Byalik is less concerned with the plight of the Jews than with the plight of Judaism. The economic side of his people's life interests him only in so far as the soul of a nation depends on the bodies of its component units—
 אִם אֵין קֶמֶח אֵין תּוֹרָה—"Where there is no bread, there is no Torah," said the old Fathers. In the beautiful poem: "The hope of the poor destitute," we find a sick *melammed* lying among strangers and dreaming of his return home—and even here the spiritual element predominates.

The more complicated became the life of the Russian Jews, the more Byalik's muse inclined to tragedy. Then came the Kishineff thunderclap—Byalik hastened thither to collect information, and the result of what he heard and saw was the poem: "On the massacre" (עַל הַהֲרָגָה). This powerful, bitter, and horrible description of the pogrom puts every other attempt at the same thing into the shade. Byalik has also published a Yiddish version of this poem, named "Die Shechitah - Shtadt," and it is this Yiddish poem a partial translation of which appeared in the *Jewish Quarterly Review*. As we hope to see also an English translation of the Hebrew עַל הַהֲרָגָה, we will not dwell upon it. The author gives a ghastly picture of the barbarity of the rioters, and flings terrible accusations at the Jews themselves; but the climax of horror is reached in a few lines in which the yells, threats

and tumult of the mob give place to the silent, despairing apathy of the victims—the apathy of the man who lets his hands drop and is unable even to shriek aloud. It is certain aspects of this hopeless resignation, this pitiable acquiescence of the Jews in the inevitable for them and theirs, that move Byalik to anger. Is this anger of his justified? only to a certain extent. But he is no photographer or reporter, rather a prophet whose very love for his people causes him to burn with indignation at their weakness. And he was still in Kishineff when he shook off his gloom and wrote the joyous poem: “To the sun,” with which he speeded the delegates on their way to the sixth Zionist Congress.

But soon there followed new misfortunes and disappointments: the crisis at the sixth congress, the death of Herzl, the substitution of Territorialism for the cherished historic ideal. Then came the Russo-Japanese war, the assassination of Plehve, and the rise of the Russian nation for freedom.

A new life opened for Russian Jewry—and the whole people went over to the revolution! Owners of industrial establishments, merchants, orthodox Talmudists, and Has-sidim suddenly appeared side by side in the ranks of the extreme Left. “Warum gehören die meisten Juden zu den *Linken*?” once asked Prince Windischgrätz of the Austrian Democratic leader, Adolf Fischhof. “Weil sie keine *Rechte* haben!” answered the latter. And, as though at the wave of a magician’s wand, the very character of the Russian Jews underwent a change. Those who before hid themselves “in holes and corners” came forward and offered their own breasts as a protection for their brothers and sisters. Themselves in the *avant-garde* of the revolution, they inspired the whole of it, and their cause was not theirs only, but the cause of all alike. By what miracle was the “coward” of yesterday transformed into the combatant and even hero of to-day? The fact is, there are no essentially brave and cowardly races—their courage and timidity are the outcome of condition and circum-

stance. For nearly 1,800 years the Jews have never waged war, and they are accustomed to settle disputes between themselves without resorting to the fist. Fights within the Ghetto are of rare occurrence. Should one take place, the antagonists afterwards repeat, with a peculiar intonation, the words, "he lifted his hand against a Jew." The heads of the Jewish children in the *Hedartim* are not stuffed, like those of the children of "civilized" nations, with accounts of battles and the lives of wholesale shedders of blood, that still make up so much of present-day "history." The *Hedartim*, with all their shortcomings, taught another and better kind of heroism. And while in Spain the "cowardly" Jews perished with the "Shema'"; the declaration of the Unity of God, on their lips at the stakes of the Inquisition, in Russia they refused to place in their windows and doorways the ikons and crosses which would have saved them from the rioters.

And now that Byålik sees the Jews infected with the general savagery of the "civilized" world, and taking to knives, revolvers, and bombs, he is sorry. He grieves because the new life is not distinctively Jewish. He is afraid that the national elements will be swept away in the torrent of the revolution. They hold social-political meetings in the Beth-Hammidrash! Hebrew, which was flourishing only three to four years back, is giving way on all sides before the rapid onslaught of the more generally familiar Yiddish. And the Yiddish publications devote but little space to Jewish life and literature, the rest being taken up with advice given from the view-point of every political party to the mass of the Jewish electors. The lofty impulse to sacrifice everything to the Torah has been directed into other channels, and towards the end of 1904 Byålik writes his profoundly melancholy poem: "The word," of which what follows is the second half:—

Behold the night—the shadows gather round,
And we go stumbling forward like the blind.
A *something* crossed our midst—no man knows *what*,

H h 2

And no one speaks and there is none to tell
If now for us the sun arose or set,
Nor if he set for ever.
And all around is chaos, black and vast,
And refuge there is none.
And if we cry aloud and if we pray—
Who hears us?
And if we fling an awful curse abroad—
On whose head will it fall?
And if we gnash our teeth and clench our fist—
Whose skull shall start in twain?
The void will swallow up, the wind will waft away,
They perished once before—will perish thus again.
No strength, no stay, we cannot see the road,
The heavens are dumb.
They know they sinned against us, grievously,
And bear their sin in silence . . .
Unclose thy lips, O prophet of last things,
And hast thou words, then speak!
Though bitter they shall be as death itself,
No matter—only speak!
Shall Death affright us? nay, his angel rides
Upon our shoulders, and his bridle drags
Our mouth incessantly . . .
And with the risen corpse's ghastly smile,
The gambler's hideous glee,
For ever do we move toward the grave.

Byalik grows more and more convinced that the threatening fist which the Jew is now showing his tormentors will descend anywhere but on the latter's head. Byalik, however, is no fanatical Nationalist; nothing of the sort. He desires no wall of partition between the Jews and other races, only its disappearance is to be the result, not of assimilation, but of mutual respect and of possibility for the Jews to follow freely the bent of their national genius. And if he wishes for the downfall of the tents of Shem, it is only that he may see the former palace rise in their stead. At this moment the masses of the Russian Jews are daily more strongly attracted by the foreign life to which is due so much of the impoverish-

ment and degeneration of the Jewish people. And Jewish youth—the hope and stay of the race—throw themselves recklessly into the stormy life in common with their neighbours, a life forged and wrought by other than Jewish hands.

The poet expresses himself on this subject in the poem :
“Surely this is the visitation of God” :—

God's chastisement is this and heavy curse :
That you shall cast away your own live heart,
Wring out your sacred tears beside all waters
And string them on the first false thread of light,
And pour your spirit into alien marble,
And in the stranger's rock entomb your soul.
While still the rav'ner's teeth are in your flesh,
Your soul too shall you fling to him for food.
And you shall build him Pithom, aye, and Ramses,
With living bricks—your own and children's children.
And when the child-soul cries from out the building,
The sound shall die away before it reach you.
If one among them grow a strong-winged eagle,
For ever shall you scare him from the nest,
And should he, thirsting for the sun, mount skyward,
The light that he shall bring is not for you.
His wings may part the clouds and free the sunlight—
It shall not fall on you.
Far distant shall he soar above the crags,
His scream beyond your hearing . . .
When thus you shall have spurned your best ones from you,
One after other, you shall sit bereaved,
Your tent despoiled, all beauty fled your dwelling,
A dread and desolation to be seen.
God's blessing nevermore shall cross the threshold,
Salvation's joy stand tapping at the window.
And when you turn to pray, the words shall fail you,
To weep—the tears, because your heart shall dry
And fade and shrink—a garland from the vineyard
That withers in a corner of the winepress.
The sap shall never visit it again,
The wine that bids the drooping heart rejoice,
And yields refreshment to the languid soul.
The hearthfire, when you crave it, shall have died,
The cat mew loudly in the chilly ashes . . .

And you shall soon wax grey and moody—round you
The endless sadness, and within you, nothing.
Your eyes shall seek the dead flies in the window,
The spiders in unswept and empty corners,
And misery shall whine within the chimney,
The housewall shake to ev'ry passing tread.

The "Scroll of Fire" is a long symbolic poem in eight parts. After a beautiful opening in the style of the Agadah, it tells how a number of captive Jewish youths and maidens are cast by the foe upon the opposite shores of a desert island. The youths start to wander across the glaring, waterless plain. Typical of the Jews of the Rabbinical period, they shut their eyes on a cruel world, and their soul shrinks back upon itself. But the sound of a mysterious march, like the quiet beating of a heart, inspires them to advance, and the one who forces himself to peer from under his heavy lids sees among them two tall youths, one dark and one fair, in whose hearts beat the hearts of all. But the two youths are equal in stature one to the other, and there is no telling which of them is the real leader of the throng. Of these two genii of the Jewish race, the dark one is sent to mock and to destroy, and, in his scorn and hatred of the old Western civilizations in which he had, and might have, no part, he threatens not only what is rotten and pestilential, but that also which is of enduring worth and beauty. His is the song of revenge:—

From out the abyss of curses lift the song of strife,
Black as your smould'ring hearts,
And bear it to the God-rejected nations,
And blast them with its flame!
The song sows devastation o'er their plains
And ruin to their fields of rustling corn.
And when you wander, singing, through their gardens,
And touch the lilies, they shall droop and die,
And when you look upon their sculptured marbles,
Behold, they fall and crumble into dust.
And laughter, bitter laughter, cold and cruel,
Your sword wherewith to slay . . .

The fair youth, whose mission is to console and to uplift, reminds the excited company of the song of love and peace, the song of the future, but no one listens to him . . . All but he drink of the River and Peril and eat of the wild, bitter saltwort¹. Now the troop of maidens appear in their turn, heedless of danger, above the steep bank of the stream. With their tightly closed eyes, thorn-encircled brow and beatific smile, they are the Jewish women who, in blind faith and sacrificial patience, have borne their lot through the centuries. "Like a flight of white storks" they plunge into the abyss. The horrified youths throw themselves in to the rescue, and all perish together—all but the fair youth who remains the sole type of the past and present of his race. The vision of his beloved of early days—his passion for whom he has since been taught to regard as sin—rises from the water and would lure him back into the depth. But the pillars of heaven are shaken, God himself destroys his Temple, a single spark of the holy fire on the altar is saved by a pitiful angel, and lies, tended by the Dawn, on a rock in the same island. The youth approaches the rock. Now he is torn between the earthly and the heavenly, the height and the depth—and in his anguish of desire he grasps at both. Snatching the divine spark to his breast, he leaps into the abyss, but the depth cannot swallow the spark, and casts him out . . . and now he wanders tormented by a threefold fire: the flame from the Temple altar, the flame of Satan, and the flame of earthly love—and still, because of the divine spark within him, he looks and longs for the Dawn.

A few words on the significance of Byàlik's poetry and on the attitude taken up towards it by Hebrew critics.

Native and foreign criticism are rarely at one when a living author is concerned. Sometimes the latter is made more of abroad than at home. Byron is a case in point. It oftener happens that home critics, succumbing

¹ Job xxx. 4, Rev. Ver.

to the charms of form and *milieu*, praise their own author overmuch, and there is a sense in which Goethe's beautiful lines :—

Wer den Dichter will verstehen
Muss ins Dichters Lande gehen

are not quite true. Hebrew critics are loud in their praise of those poems in which Byalik treats of Nature and of love. It should be borne in mind that the Hebrew love-songs preserved to us are comparatively rare. The Biblical Song of Songs was interpreted as an allegory, and in the Hebrew revival in mediaeval Spain and Italy love, though a very frequent subject of occasional verses, did not inspire a love-poetry. We must, however, except the youthful poems of Jehudah Halevy in the twelfth, and the satirical work of Immanuel of Rome in the sixteenth century. The verses of Luzzatto and others in allegorical-didactic style deal with love of another kind. The New Hebrew poets have all tried their hand at the poetical expression of love. The attempts of the earlier among them show a preference for rhetoric over simplicity, and for the stringing together of sonorous words in would-be imitation of the Bible. Suddenly there appeared—speaking a human, but not the less Biblical, language—a whole array of young Hebrew poets: Byalik, Tchernichovski, Berditchovski, Feuerberg, Cohen, and others.

What are the chief characteristics of the new love-poems in the Hebrew tongue?

To judge from what we know of Jewish history, the ancient Jews were of an imaginative and passionate disposition, the influence of which on the relations between the sexes may be gathered not only from the Bible, but from the Midrash as well. Under the influences of the Rabbinical period, and thanks to the material conditions of Ghetto life, this vehemence was gradually subdued, and habits of moderation and restraint were induced in its stead. It was only the spread of assimilation among the middle classes that brought about a noticeable slackening

of morals—a borrowed trait, due, like alcoholism, to the wish to imitate. We find among the Jewish Intellectuals a frequently morbid craving after Nature and love. The German poets and novelists of Jewish extraction (in neither language is their proportion a large one), old and new, down to the *Jung-Berliner* and the *Jung-Wiener*, all harp on their *Sehnsucht nach Lebensfreuden*, and, having lamented the impossibility they are in of *sich ausleben*, they are usually silent as to the reason—namely, their own Jewishness.

The following fact goes far to explain the origin of Byalik's works of the kind. "When Byalik wrote his poems on love"—we inquired of the friend of his youth, to whom the poet had directed us, "Was he in love with any one himself?"—"No (was the reply), he married early, and remained faithful to his wife like all good Jews, but he began to write his love-poems when he first became acquainted with the poetry of Immanuel of Rome." Hence, in these poems, the absence of the sensual *tempérament* of the Latin races and of the longing for *das Ewig Weibliche* of the Germans. Their leading theme is a sigh for the loss incurred during the Exile of the power to enjoy oneself "like other people," a complaint that the poet himself never knew the sweet intoxication of a pure and youthful passion, with its power to enrich and beautify the whole of after-life.

Of course, they love in the Ghetto, quite as warmly, and certainly more faithfully, than do their neighbours. But where with the latter it is love to the *woman*, with them it is love to the *wife*, and always bound up with the thought of children, the continuation of the family and the race, and the fulfilling of a divine precept.

The Hebrew critics and readers are not a whit less enthusiastic over Byalik's descriptions of Nature, in which the theme is the same—a continual lament over the exclusion of Nature from the daily life of the Jewish masses. Here again the enthusiasm is partly due to the fact that

Byalik and his contemporaries have succeeded in proving: that Hebrew, with the help of the language of Rabbinical literature, is capable of expressing all the effects of light, sound, and colour.

But this, however important for readers of their verses in the original, cannot be expected to interest others to anything like the same extent. To the general reader, that part of Byalik's work will seem the most original and significant which deals with national-historical and cultural subjects. His poems on life in the Beth Hamidrash and the Yeshibah and their poetic outlook on contemporary Jewish existence have been mentioned. But the poem which stands pre-eminent, even among his very best, is the "Tale (or Sage) of the Pogrom," not owing to its depth of thought, but because of its unwonted passion of expression and of its overwhelming effect on the reader, who feels every line fall like a hammer on his brain. The subject of the "Scroll of Fire" is larger and deeper in scope, but the poem betrays that want of the feeling for proportion characteristic of Jewish artistic creations in contradistinction to those of the Greeks. Undesirable, too, are its occasional lapses from the Biblical style, not that Hebrew is to be denied the right to some development in the course of 2,000 years, but because the Biblical form is the one best suited to the subject-matter of the poem. However—*la critique est aisée, l'art est difficile*. . . . It is to be hoped that Byalik's best poems will appear before long in English translations. English readers will then judge for themselves, whether or no there exists in Russian Jewry a poet such as the whole Jewish people may find it worth while to claim for their own.

B. IBRY.

AN ELEVENTH-CENTURY DOCUMENT CONCERNING A CAIRO SYNAGOGUE.

THE treasures of the Cairo Jewish Community are not exhausted either by the riches of its Genizot, or by the splendid and interesting Bible MSS. which I have myself recently described¹. The authorities of both the Rabbinites and Karaites there (and I use the first word, as I know of no collective word in lieu of it) possess certain further treasures, which they keep from the view of strangers for the simple reason that they themselves have no sense of their real value. It is time that especial insistence should be laid upon the importance of the records and archives in our congregational and communal organizations—especially in the case when age makes them respectable subjects of historical investigations. Unfortunately, too little attention has been paid to such matters in the past; and it may readily be supposed that much of this material has already run to waste².

This must be especially true of the communities in the East. They nearly all have a history that stretches far back into previous centuries; and the compass of their jurisdiction reached out so much further than it did in the West, that the materials for the civic history of the Jews ought to be found in large quantities in their registers. But, unfortunately, the further east one goes,

¹ See *J. Q. R.*, July, 1905.

² See the pertinent remarks of Mr. Israel Abrahams in the *Jewish Chronicle*, Nov. 25, 1901; and my article on the Archives of the Florence community in the *Revue des Études Juives*, vol. LI, pp. 303 et seq. I may add that those of the Roman synagogues are now being put in order. A very notable exception to the disorder generally existing is the splendid condition of the documents in possession of the Leghorn community.

the further removed is the probability of finding such records. Salonica, Crete, Constantinople, Damascus, Bagdad, Ispahan, Bochara,—all these and many more ought to be the happy hunting-grounds for the archaeologist and the student. Nothing has, as yet, been heard from them in this respect; let us hope, because the necessary questions have not been asked.

And it is Egypt again, i. e. Cairo, that must form the exception. Both the communities there to whom reference has been made above, possess a series of documents pertaining to various dealings of and with the communal heads which are of sufficient antiquity to warrant their being of some interest. They deal with spiritual and with mundane affairs; and they give us information about names, dates, offices, and the like which should not be contemned. They are, of course, all written in Arabic; and interminable in verbiage and in size. One unwinds these parchment and paper scrolls with a certain sense of the infinitude and endless reach of things. The cramped and crabbed and shrivelled script seems almost hopelessly involved; for it is apt to cover everything back and front of the part reserved for the text. When this is finished in a respectable manner, it commences to run up and down the margins in most unblushing crookedness and with an entire disregard for the most elementary proprieties of law and order. The Arabic language has managed to concert quite a number of inherent difficulties within its capacious bosom, with which to trouble both the Western eye and the Western brain, even when the splendid calligraphists of the Caliphs and the Sultans were at their best. But notarial Arabic writing is notorious for its utter friskiness, and for its entire want of a rational appreciation of the fact that others besides the writers might at some day, near or distant, be concerned to know what had been written down. One might even imagine that the scribes had a stated aversion to diacritical marks; so that, however pointed their remarks may at times have been, one has

first to imagine the points before one sees the point. It would be almost a misnomer to call such documents difficult: in many cases they are impossible and the reading of individual words is a toss-up or a matter of second-sight¹.

Time and a certain amount of carelessness, inherently human, have added to the picturesqueness, but not to the legibility of the documents. Those belonging to the Rabbinitic community, and there must be several hundred of them, I found stowed away in a large trunk, where they lay folded and rolled in various bags. The trunk is in the counting-house of the Presidential firm, Messrs. Moïse Cattau et Figlii. But those of the Karaites were pitiful in their neglect. It is true that they were in a safe in the office of the Haham-Bashi Mangouby; but they were forcefully tied up in bandana handkerchiefs and pieces of coloured linen in such a way that many had already been reduced to fragments, and most of them had been more or less injured². It is time that an attempt should be made to rescue these documents. We know so little of the internal history of the Karaites, that anything dealing with so important a community of them must be of interest³.

I have chosen the oldest Rabbinitic document, with which to court criticism. It is a parchment scroll, 2.59 metres long, 55 centimetres broad. The writing occupies 44 centimetres, leaving a margin on the right-hand side of about 10 or 11 centimetres. The lines number fifty-eight. In a peculiar manner, the scribe has not kept to his left-hand margin, i. e. to the left-hand edge of the parchment.

¹ On the difficulties met with in the reading of such documents, see the observations of the eminent palaeographer Karabašak in the *Führer durch die Sammlung Erzhersog Rainer*, 1894, p. 245.

² The oldest Karaite document I found there is of the year 415 A. H., I have copies of a number of the documents, which I hope to publish in due course.

³ On the Karaites in Egypt, see the *Jewish Encyclopædia*, vol. V, s. v., and the *Jewish Comment*, Baltimore, Dec. 1905.

He was probably afraid at first that he would have too much writing for the space at his disposal; later on, he has not only had to crowd his lettering as he reached the end of the line, but also to insert his last word or two between the line and the one next above. Such word-complexes are more than ordinarily illegible. In addition, there are some breaks in the text, where the parchment has suffered—especially in the first half of the document. The diacritical points are very sparingly set: I have taken the liberty of adding them in order to facilitate the reading. I know of no similar document of the period—the long reign of the Caliph al-Mustansir Billāh (1035-94); nor has a quite extensive search and much questioning revealed its like. This is unfortunate; for, with the help of similar documents, I might have been able to fill up some of the lacunae. The nearest palaeographical approach to the script is to be found in a papyrus fragment in the Berlin Museum dated 488 A. H. (= 1066), and published by Abel in 1896¹.

My attention was first called to the document by the learned President of the Faculty of the Jewish Theological Seminary of America, who placed at my disposal a copy made in the size of the original. Some one must have recognized the value of the original, as a paper back has been provided for its injured parts, and it is kept apart from the other document in the presidential firm's iron chest. The copy was, calligraphically, a beautiful piece of work. But after a little study, I became convinced that the copyist had done his work as a *Miswah*—though it was a *Miswah le-baṭṭālāh*. While in Cairo during the

¹ *Aegyptische Urkunden*, p. 27. Upon p. 9 of the same work there is a fragment dated in the year 873, which evidently has to do with Jews. It refers to *أبرهيم ودويد وسرماده* (read *سرماده*?) *بنی یعقوب سرماده*. Notice the form *دويد* = *דוד*, and the family name *Sarmādah*, which occurs in later times. See also the two documents of sale, dated 1032 and 1038 in B. Moritz, *Arabic Palaeography*, Cairo, 1905, plates 115, 116.

winter of 1904-5, I spent a number of days correcting the copy word for word and letter by letter. In this I was assisted by my erudite teacher, the Sheikh Aḥmad 'Omar al-Maḥmaṣānī al-Bairūti, the assistant librarian of the Azhar. M. Paul Casanova, Directeur Adjoint de l'Institut Français d'Archéologie Orientale, so well known as an Arabic epigraphist, had, at the instance of Professor Hartwig Derenbourg of Paris, made his own copy of the document, together with extensive studies of a palaeographic and textual nature. He very kindly compared his readings with my own, and I owe to him many a valuable hint and many a felicitous suggestion. He was also gallant enough to relinquish his intended publication on the subject. And, finally, Captain H. G. Lyons, R.E., Director-General of the Survey Department in the Egyptian Public Works Ministry, placed at my disposal a detailed map of that portion of Cairo in which the Jewish quarter is situate, together with a partial list of some of the streets to be found in the quarter. A portion of this map is reproduced further on¹.

The document seems to read as follows² :—

¹ The whole map was originally published in eight large sheets, but it is now quite out of print. I was unable to find a copy even at the Khedivial Library.

² By the small letters *a*, *b*, *c*, &c., I have tried to indicate the number of words that seem to be wanting; but the irregularity of the script gives no warrant that such an estimation is correct.

- 1 الحمد لله رب العالمين
- 2 بسم الله الرحمن الرحيم اشهاد بما ثبت الحقف فيه فالحمد لله [وحدّه؟]
- 3 ...^٥ بالقضية: الاتى ... هاه فيه لمولانا السيد ... امر الشريف الامام الاعظم والهمام
- 4 المقدم مالكة رقاب الاسم قاضى
- 5 [مكيبى العدل فى العالم ظل الله فى البلاد ورحمته السابغة لجميع العباد يد]
- 6 الله تعالى فى ارضه والحاكم فيها
- 7 ...^٥ [المستنصر بالله عبد الله ا...؟ الامام معد ابى تميم المعتقد لدين الله امير
- 8 المومنين على المعزية القاهرة المكروسة
- 9 ...^٥ ...^٥ والشام والركة والرحبة [ومارين] ومدينة حلب وعرابان والقيروان
- 10 [وسنها]جة وفواحق المغرب ...^٥
- 11 عز وجل وفتكة للامير المومنين من بلدان الشرق والمغرب شيد الله تعالى ملكة
- 12 وسلطنة وخصر جبهوشه وجنوده واعواده وحدث له فى كل يوم
- 13 وملكه بساط البسيطة برا ويدكر اودام سعده وعلا شرفة ومسجده وادام الرحمة على ابائه
- 14 السادة الكرام على توالى الايام]
- 15 وفوض النظر فيما لمولانا قاضى القضاة وداعى الدعاة امين الائمة شرف الاحكام جلال
- 16 الاسلام ذو العجلاتين والرياستين

10 ابن عبد العزيز ابن محمد ابن النعمان انا هـ " الحاكم الشرعى بفسطاط مدينة مصر ادام
الله عزه واحكامه والحكم فيما بما يقتضية من هبة الشريف
... a ... b ... c له سفاهة ... d ... e " الموعود بها فيه على مولانا قاضى القضاة
11 وداعى الدعاة اسبغ [الله] ظلاله
... 12 " مضمونها بعد استلثة الشريفة الفقير الى الله تعالى ابراهيم ابن على الانصارى
يقبل الارض لدى المواقف الشريفة الامامية العظمية حلد الله
13 تعالى ملكها مالها واعز به الدين بمحمد واله وصحبه وسلم وينهى ان الكنيسة الكائن
براس حارة زويلة المعروف بكنيسة اليهود الريان حادثة

¹ M. Paul Casanova reads فيه نُسِبَ بما اشهاد ; but after نُسِبَ there are three or four letters, which may be the *الحق* or *الى*. I have chosen the reading نُسِبَ on account of the similar expression in the subscription. Cf. also *واذا ثبت عند الحاكم حق*, 3, p. 321, Al-Shirāzī, *al-Taḥḍīḥ*, ed. A. W. T. Juynboll.

' Reading quite uncertain; only the tops of the letters can be seen.
 ' Reading quite uncertain. Looks like **طرسها**, which gives no sense. Perhaps **تسطيروا**? Cf. the opening words:
عبد سبط استلناح in Amari, *I Dinomi*, p. 151.

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بالامر الشريف . Perhaps .

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7 One or two words are missing.
 8 M. Casanova. المحضر
 9 The final *wa* only can be distinguished.
 10 One or two words are missing : ... فاسا. The commencement of the following line seems to show that a verb + الل must have preceded.
 11 Or, perhaps, انشا ؟

¹² The Sheikh read *بمقامها* : but this is epigraphically impossible.

¹³ One word at the beginning of the line is missing.

- 14 مستجد البنا وسواله من الصدقات الشريفة برفع الامر الشريف لمولانا شيخ الاسلام
الحاكم الشافعي بطلب من هو واضع اليد
- 15 على ذلك وسماع الدعوى عليه وهدم الكنيس المذكورة ليحصل بذلك دصرة الكف ودوام
الدعا فى الصكائف الشريفة انتهى ذلك والكمد لله وحده
- 16 ووقف عليها اهلها وتسير امره العالى بطلب من هو الواضع اليد على الكنيس
المذكورة فقد
- 17 حضر الشيخ السديد ابو الامران موسى بن يعقوب بن اسكاف الاسرايلى طبيب
الكسرة الشريفة والريس على طائفة
- 18 اليهود الرياديين والقرايين والسامرة لدى مجلس حكم سيدنا قاضى القضاة وداعى
الدعاة المنوة باسمه اعلاه اسبع الله ظلاله
- 19 وادعى عليه الفقير الى الله تعالى البرهاني ابراهيم المذكور اعلاه بان الكنيس المذكورة
اعلاه حادثة مستجدة البنا وانه واضع يده عليها بغير حق
- 20 ويطالبه برفع يده عن ذلك ونسأل بسواله عن ذلك فاجاب موسى المذكور اعلاه بان
الكنيس المذكورة قديمة البنا وانه واضع
- 21 يده عليها بالطريق الشرعى من مدة تزيد على اربعين سنة وان له بيينة شرعية تشهد
له بذلك فسأل سيدنا قاضى القضاة وداعى الدعاة

- 22 الحاکم الشافعی المنزه باسمه اعلاه اسبغ الله طلاله البرهانی ابراهيم المدعی المذكور
اعلاه هل لك بينة تشهد بطبق دعوك فاجاب ان لا
- 23 بينة له ولا مستند فامر سيدنا قاضي القضاة وداعی الدعاة الحاکم الشافعی المنزه
باسمه اعلاه موسى المدعی عليه
- 24 باحضار بينة الشهادة له بطبق ما اجاب به فاحضر كلا من بهای الدين بن قاسم
بن مهنا
- 25 واسماعيل بن فخر الدين بن عبد الهادی وعلى ابن حامد بن حسن عرف بسويد
والکاج الجليل خطاب بن ناصر الدين بن مجاهد عرف
- 26 بجدة وفخر الدين بن احمد خالد عرف بجدة ايضا والكاج منصور بن بدر بن نصير
الدين عرف بالطويل والصدر الاجل المكثر
- 27 شهاب الدين بن الرزني وخضر بن فتيح الشهير بجدة والمعلم شکاة بن محمد بن
ماذن عرف بجدة والفقير الى الله تعالى سليمان
- 28 بن ايوب بن محمد عرف بابيه والكاج رمضان بن على بن احمد السنديسي واقاموا
شهادتهم لدى سيدنا الحاکم المنزه باسمه

¹ Quite uncertain; dampness has obliterated the greater part of the characters. Perhaps تذبذب.

² So in the original.

³ Reading uncertain here; but certain further on. The reading is impossible.

⁴ Or, perhaps, الحق.

- 29 اعلاه بمعرفة الكنيسة الكائنة براس حارة الزويلة المعروفة بكنيسة اليهود الراديين بدرب يعرف للان بدرب النبازين¹
- 30 المخصوصة بكدون اربعة الكد القبلى ينتهى الى دار الشيخ السديد ابو العمران موسى المذكور اعلاه والكد البكرى
- 31 ينتهى الى دار يعرف بيعقوب والد موسى المذكور والكد الشرقى ينتهى الدرب التى هى فيه وفيه واجهتها
- 32 وبابها والكد الغربى ينتهى الى دار تعرف بملك اسكف جد موسى المذكور بكد ذلك وخذوة وحقوقه
- 33 المعرفة الشرعية النافية للجهالة ويشهدون مع ذلك ان الكنيسة المذكورة قديمة البناء ليست مستجدة
- 34 ويشهدون مع ذلك ايضا بالتتابع الدافع والنقل الصحيح المتواتر ان الكنيسة المذكورة وقف صكيح شرعى يعتبر
- 35 من تقادم السنين والاعوان موقفا محبسا موبدا مؤكدا على اليهود الريادين عامتهم وحاصتهم برسم عبادتهم
- 36 وان النظر عليها والتحدث والتكلم لكل من يكون ريسا على طوائف اليهود وان الشيخ السديد ابو العمران موسى

- 37 المذكور واضع يده على الكنيسة المذكورة بمدة تزيد على أربعين سنة من قبل تاريخه
وان وقفية الكنيسة المذكورة
- 38 قديمة تزيد على قرنين يعلم ويشهدون بذلك شهادة مسؤولين عنها بسؤال الحاكم
المشار اليه
- 39 وثبت ذلك عن يد قاضى القضاة وداعى الدعاة ابنى محمد القاسم المذكور بشهادة من
ذكر اعلاه ثبوتا صحيحا
- 40 قاطعا معتبرا مرضيا واعذر فى جميع ذلك البرهاني ابراهيم المذكور اعلاه اعذارا شرعيا
بعدم الدافع والمطعن
- 41 وثبت ذلك ايضا عند قاضى القضاة وداعى الدعاة المذكور ثبوتا صحيحا قاطعا معتبرا مرضيا
- 42 فلما تكامل جميع ما تضمنه الكتاب المسطر اعلاه عند قاضى القضاة وداعى الدعاة الحاكم
- 43 المسمى باعالية وصح لديه فى مجلس حكمة وقضائه النافذ فيه حكمة وامضاؤه بفسطاط
مدينة مصر المذكور فيه
- 44 نافذ القضايا قاضى الاحكام والنقض والابرار سائل الاشهاد على نفسه بانه قد
ثبت عنده
- 45 بالمجلس المذكور مضمون هذا الكتاب وما تضمنه ويسال الحكم بموجب ما تضمنه ذلك بجميع

¹ Reading quite uncertain, as the discritical points are missing; but see in the notes further on.

- 46 ما سطر فيه فاجاب السائل الى سواله واشهد عليه بجميع ما سالنا الاشهاد به عليه من
النبوت المشروح فيه
- 47 وحكم بموجبه وبصكته والزم مقتضاه وهو فى ذلك كله نافذ القضايا قاضى؛ الاحكام بعد
ان قرى عكبة
- 48 بمحض من الشهود الراضعين خطوطهم آخر هذا الكتاب جميع ما تضمنه هذا الكتاب
واستيفاً للشرايط
- 49 المعبرة فى ذلك وذلك فى يوم التاسع من شعبان سنة تسعة وعشرين وأربعماية ♦
- 50 شهد محمد ابن عبد الله بن شهد محمد ابن احمد ابن شهد عمر ابن عبد العزيز
- 51 محمد ابن رجا على اشهاد عيسى العتيب على اشهاد ابن خلف على اشهاد قاضى
- 52 قاضى القضاة وداعى الدعاة قاضى القضاة وداعى الدعاة القضاة وداعى الدعاة ثقة
- 53 ثقة الدولة امين الائمة شرف ثقة الدولة امين الائمة شرف الدولة امين الائمة شرف
- 54 الاسلام جلال الاحكام ابى الاحكام جلال الاسلام ابى الاحكام جلال الاسلام ابى
- 55 محمد النعمان ابن عبد محمد القاسم ابن عبد العزيز محمد القاسم ابن عبد
- 56 العزيز ابن محمد بما ثبت محمد النعمان بما ثبت العزيز محمد ابن النعمان بما
- 57 للاشهاد فى هذا المكان فى للاشهاد فى هذا المكان فى ثبت الية للاشهاد فى هذا
- 58 اليوم المؤرخ اليوم المؤرخ المكان فى اليوم المؤرخ

¹ ملى MS. seems to read

TRANSLATION.

1. Praise be to Allāh, Lord of the two worlds!
2. In the name of Allāh, the merciful and compassionate, testimony under oath in regard to that through which the truth will be established. Praise be to Allāh [the only One]!
3. by the decision which is written down in it¹ (the document) for our lord, the master . . . in the honourable government, the great Imām² and magnanimous³, the ruler of enslaved peoples, the judge
4. who causes righteousness to flourish⁴ in the world,

¹ الآتى [تسطير] ما فيه ؟

² The exuberant use of honorific titles for statesmen and government officials dates from this period; Stanley Lane-Poole, *Egypt*, p. 124. Inward hollowness was in this way bolstered up by outward show: see Carl H. Becker, *Beiträge zur Geschichte Ägyptens unter dem Islam*, I, p. 29. On the value and meaning of the title الأعظم, see Max van Berchem in *Z. D. P. V.*, XVI, p. 100, and *Corpus Inscript. Arab.*, I, p. 46. The oldest use of the title in Egypt is of the reign of Sultan Jakmak, 851. Al-Kalkashandi (died 824 A.H.), the learned compiler on matters pertaining to the history and government of Egypt (whose *Subh al-A'sha* is now being printed by the Khedivial Library), says in vol. III (MS. in Khedivial Library):

الأعظم من القاب السلطان يقال فيه السلطان الأعظم ويقع في القاب ملوك المغرب ايضا وهو افعل التفصيل من العظمة والكبرياء الإمام الخلفاء كما يقال في المكاتبات عنهم من عبد الله ووليه الامام الفلاني وقد تقدم ان اول من تلقب به ابراهيم بن محمد اول من بويغ له بالخلافة من بنى العباس ويقع ايضا في القاب اكابر العلماء واصل الامام في اللغة الذي يفتدى ولذلك وقع على المجتهدين كالائمة اصحاب المذاهب المشهورة وهم الشافعي ومالك وابو حنيفة واحمد.

³ Al-Kalkashandi (l.c.): القاب السيوف والمراد الشجاع.

The expression الملك الهام is very common in the documents published by Amari, *I Diplomi*, passim, "il re magnanimo."

⁴ محيي العدل في: Al-Kalkashandi (l.c.): is almost certain. العالمين من القاب السلطانية; it occurs often in documents; see Amari, l.c., p. 165, "vivificatore della giustizia nei mondi."

Servant of Allāh in the various lands¹ [who pours out] his abundant mercy upon all his servants, power² of Allāh the exalted in his country and judge therein

5. [Al-Mustan]sir Billāh 'Abd-Allāh the Imām, Ma'add Abī Tamīm, who finds his repose in the religion of Allāh³, the Commander of the Faithful over the Cairo of al-Mu'izz, which may Allāh guard!⁴⁵

¹ ظل الله في الأرض, really "Shadow of Allāh on Earth," de Tassy, *Mémoires sur les noms propres et les titres musulmans*, 1878, p. 41. I have translated with Lane, s. v., who says that the expression goes back to a saying of the prophet himself: "السلطان ظل الله في الأرض," "The sovereign power is God's means of defence in the earth," or "God's special servant." The Regent of Tunis was addressed by the Italians: حضرة سيدنا ومولانا الخليفة الامام الملك الهمام المرتضى لايالة الاسلام ظل الله في ارضه; also the Caliph Kānṣūh al-Ghūrī. See Amari, l. c., pp. 13, 165, 181, 221. Al-Kalkashandī (l. c.): ان يقال السلطان السيد . . . سلطان الاسلام والمسلمين محبى العدل فى العالمين وارث الملك . ملك العرب والعجم والترك ظل الله فى ارضه. See, also, Goldziher, *Muhammed. Studien*, II, 61, and *Du sens propre des expressions "ombre de Dieu"* etc. in *Rev. Hist. des Relig.*, 1897, p. 331.

² I know of no authority for the use of the word يد in this connexion. It would also be possible; but there is no warrant for that either.

³ Of all the Faṭimide Caliphs, al-Mustansir is the most inconstant in the form of citing his own name and titles. An examination of his monuments and his coins gives the following varieties:

(1) الامام المستنصر بالله امير المؤمنين

(Inscription of Baḍr al-Jamālī, 478 A. H., on the Bāb al-Naṣr, van Berchem, *Corpus*, p. 54; Stanley Lane-Poole, *Catalogue of Oriental Coins*, IV, p. 35 (year 437); Lavoix, *Catalogue des Monnaies Musulmanes de la Bibl. Nat.*, 1896, p. 124; on a lintel of the mosque of al-Amāwī at Asīūt, Max Herz Rey, *Catalogue of the National Museum of Arabic Art*, p. 53.)

(2) معد الامام المستنصر بالله امير المؤمنين (Lavoix, p. 122.)

(3) امير المؤمنين المستنصر بالله معد (Lavoix, p. 123; Lane-Poole, p. 47.)

(4) الامام معد المستنصر بالله امير المؤمنين

(Lane-Poole, *Cat. Brit. Mus.*, p. 40; idem, *Catalogue of Arabic Coins* . . . in the Khedivial Library, p. 184.)

(5) الامام معد ابو نجم امير المؤمنين (Lane-Poole, *Cat. Brit. Mus.*, p. 48.)

6. and Syria, Raḳḳah, Raḥabah, [Mārdī]n, Madinat Ḥalab,

(6) معد ابى تميم الامام المستنصر بالله امير المومنين
(Inscriptions of Badr al-Jamālī on the Mausoleum of Sayyidah Naṣṣah, south of Cairo, 482 A. H., and on the Roḍa Nilometer, 485 A. H., van Berchem, *ibid.*)

(7) الامام معد ابو تميم المستنصر بالله امير المومنين
(Lane-Poole, *Cat. Brit. Mus.*, p. 32; *Cat. Khed. Libr.*, p. 174; Lavoix, p. 108; J. B. Nies, *Kufic Glass Weights and Bottle Stamps*, p. 5.)

(8) الامام ابو تميم معد المستنصر بالله امير المومنين
(Lane-Poole, *Cat. Brit. Mus.*, p. 33; *Cat. Khed. Libr.*, p. 184; Lavoix, p. 110.)

(9) الامام ابو تميم المستنصر بالله امير المومنين (Lavoix, p. 128.)

(10) معد الامام ابو تميم المستنصر بالله امير المومنين
(Lane-Poole, *Cat. Brit. Mus.*, p. 34; *Cat. Khed. Libr.*, p. 175; Lavoix, p. 107.)

(11) معد عبد الله الامام ابو تميم المستنصر بالله امير المومنين
(Lane-Poole, *Cat. Khed. Libr.*, p. 177; Lavoix, p. 103.)

(12) معد عبد الله وولية الامام ابو تميم المستنصر بالله امير المومنين
(Lavoix, p. 129.)

(13) عبد الله وولية الامام معد ابو تميم المستنصر بالله امير المومنين
(Reginald Stuart Poole, *Additions to the Oriental Collection*, London, 1889, p. 324.)

And, finally, with a reversion to the inscription of al-Mu'izz, the name only being changed: الامام معد لتوحيد الله الصمد المستنصر بالله. امير المومنين (Lane-Poole, *Cat. Brit. Mus.*, pp. 37, 42; *Cat. Khed. Libr.*, p. 178; Lavoix, p. 102.)

We have here a title different to the others, in that the expression المعتمد لدين الله is added. The lacuna before الامام might be filled up with وولية; but the word seems to commence with an *alif*.

‘The designation المحروسة, “which may Allāh guard!” (see van Berchem in *La Revue Africaine*, 1903, p. 175), was a later addition to the name al-Kāhirah. It appears for the first time upon a coin of the date of 394 A. H. See Lane-Poole, *Egypt*, p. 103. On the expression المعززة, “founded by al-Mu'izz,” see *ibid.*; Wüstenfeld, *El-Kalkaschandi*, p. 66; van Berchem, *Corpus*, p. 81.

‘I do not know how to fill in the lacuna. Was there some reference to the rest of Egypt and to the cradles of Islām in Arabia (الشريفين or القبلتين)? Perhaps we ought to read here: ومصر والاسكندرية والمريين. According to Ibn Ḥajar al-ʿAskalānī in his

'Arābān, Kairwān, [Sanhā]jah, and the western countries¹. . . .
 [Praise be to Allāh]

Raf' al-Ist, the diploma of 'Abd al-'Azīz al-Nu'mān as Cadi indicated his jurisdiction: على القاهرة المعزّية ومصر والاسكندرية والحرمين واجناد الشام والرجبة والزّقة والمغرب واعمالها وما فتحه الله وما يسر فتحه لامير المؤمنين من بلدان المشرق والمغرب. See *J. A. O. S.*, XXVII, 257, line 8, and compare Snouck-Hurgronje, *Mekka*, I, 54.

¹ The official scribe is not wanting in assertiveness, though there was some ground for his wide pretensions. The general Ja'far ibn Faltah conquered Damascus in 988; this must be the رحمة دمشق of *Yāqūt*, II, p. 763. Al-Raḡḡah was on the Euphrates, *Yāqūt*, II, p. 804. The rule of the Faṭimides in Syria and Mesopotamia was slow in gaining its way: Syria was so thoroughly anti-Shi'ah. Aleppo gave in for a short while in 1011, but it was not before 1038 that the Fatimide Caliphate was proclaimed in the mosques of such cities as Harrān, Sarūj, and al-Raḡḡah: and these were held only as long as Anūshtagin al-Dizbīn was governor. See Lane-Poole, *Egypt*, passim. Ibn Iyās, *Ta'rikh Miṣr*, p. 46: وكان الخلفاء الفاطمية يحكمون من مصر الى الشام الى حلب الى الفرات الى مكة والمدينة الشريفة الى القدس للخليل وصارت مصر وبلاد المغرب مملكة واحدة—a quotation that goes back to al-Musabbihī (969-1029), though found in the *Kitāb Ta'rikh Miṣr wa-Faḍā'iluha* ascribed to Ibn Zūlāk (919-998). See MSS. Arabes, Paris, 1817, fol. 47a; 1819, fol. 43a; 1820, fol. 58a.

The Sanhājah were the most important of the Berber tribes of Northern Africa, where they reigned for some two hundred years. When al-Mu'izz went to Egypt they governed N.W. Africa for him; his lieutenant, seated at Mahdiyyah, being Abū al-Fatūḥ Yūsuf Balkin (or Bulugin) ibn Ziri ibn Manād al-Sanhāji, who was invested with the whole of North Africa and the Maghrib, with the exception of Tripoli and Sicily. (The Zirids are called "The Sahājah Amīrs," Ibn Khaldūn, *Prolegomena*, p. 412.) Three of his successors continued to acknowledge the Faṭimide supremacy. But in 1046 al-Mu'izz accepted a fresh investiture from the Abbāsid Caliph; and after 1071 the Egyptian rulers had no subjects west of Barkah. See Lane-Poole, *Egypt*, p. 107: *Histoire de l'Afrique de Ibn Abi Dinar*, tr. by Pellissier and Rémusat, Paris, 1845, p. 124; Mercier, *Histoire de l'Afrique Septentrionale*, 1888, I, pp. 182, 337; Ibn Khaldūn, *Hist. des Berbers*, tr. de Slane, pp. 37, 169, 178.

أربان or عربان is a small place on the Khābūr in Mesopotamia; Juynboll, *Lexicon Geographicum*, II, p. 245; *Yāqūt*, III, 632; Arbana in the *Notitia Dignitorum*, 36, 25; at present the ruins of Arbān or Tell 'Ajābeh. According to Streck this is the old Assyrian Gar-Dikanni; see Pauly-Wissowa, *Real-Encycl.*, Suppl. I, col. 115, and *Z. A.*, XVIII, 190,

7. to whom belong might and majesty¹, and especially for his having granted to the Commander of the Faithful the conquest of lands in the east and in the west. May Allāh the exalted fortify his dominion and his rule, preserve his armies, his forces and his allies, grant him every day renewed [conquest]²,

8. make him rule over the widest extent of land and sea, cause his good fortune to endure, his glory and his praise to be exalted, and continued mercy [shown] to his happy and joyous ancestors³, throughout all time.

9. And may he grant insight⁴ in those things which are brought before our lord, the chief justice and the head preacher, the trusted one of the Imāms, the glory of the wise, the honour of Islām⁵, the possessor of the two glories⁶, and the two headships⁷,

¹ These words seem to presuppose the word "Allāh" immediately preceding, but I am quite uncertain of the third word.

² Some object to وجدد is necessary, perhaps فتحها, but nothing is to be seen on the original.

³ A shortened form of the usual Faṭimide formula: صلوات الله عليه. ابائنا الأئمة الطاهرين وعلى ابائنا الأكرمين. Van Berchem, *Corpus*, pp. 51, 56; Ganneau, *Recueil d'Arch. Orientale*, VI, 367.

⁴ Translation uncertain. فَوَّضَ إِلَيْهِ النَّظَرَ means "he confided to him the affair." Ought we to translate "He has confided the investigation"? In that case the subject would be al-Mustansir; but فيما would be difficult and the reading فيها is more to the point.

⁵ In the subscriptions of the witnesses his honorific titles are: ثقة الدولة امين الأئمة شرف الأحكام جلال الإسلام. Siyūti, *Ḥuṣn al-Muḥāḍirah* (ed. Buluk, 1909), II, p. 121: وثقة الدولة وداعى القضاة ولقب قاضى القضاة وداعى الدعاة وثقة الدولة. وامير الامراء وشرف للحكام ما يختص بالقضاة والعلماء: Al-Kalkashandi, vol. III: وقد جعل فى عرف التعريف اعلاما سيد العلماء والحكام ولغيرهم اوجد العلماء الاعلام وجعله للجناب الشريف فما فوقه ثم للجناب الكريم والجناب العالى وجعل دونه تاج العلماء والحكام او شرف العلماء والحكام واروده مع المجلس العالى ودونه جمال العلماء اوجد الفضلاء واروده مع الشامى بالياء ودونه جمال الاعيان مع السامى بغيرياء فما دونه.

⁶ i.e. الدنيا والدين.

⁷ i.e. رئاسة الكلام. رئاسة السيف: we should say, the holder of two portfolios or head of the two departments into which the official ministry of the Caliph was divided.

10. Ibn 'Abd al-'Aziz ibn Muḥammad ibn al-Nu'mān¹
the legally-appointed judge in Fustāt, Madinat Miṣr—may Allāh prolong his might, his judgments and his decisions therein. In regard to that which his glorious session has to decide²

11. upon our Master, the chief Cadi and the chief preacher, may Allāh increase his protection!

12. [the following] is a précis³ of the affair. After the honourable questions⁴, the one that stands in need of Allāh the exalted, Ibrāhīm ibn 'Alī al-Anṣārī, kissed the earth before the tribunal of the honourable and respected Imām, may Allāh the exalted prolong

13. its possession, and through it strengthen religion by the aid of Muḥammad, his family and his companions, [and made the following complaint]: It has happened⁵ that the synagogue which stands at the top of the Ḥārat Zuwailah, known as the Synagogue of the Rabbinite Jews, is new

14. [and] of recent build. It is now asked of your lofty charitableness to present⁶ a glorious request to our Lord the Sheikh al-Islām, the Shāfi'ite judge, that he search out who has possession

15. of it, and that he hear the complaint against such an one, and [order] the demolition of the aforesaid synagogue: that, in such manner, the triumph of truth result, and the continued recourse to the lofty books⁷. This took place, praise to Allāh the only one!

¹ The text seems to read *انا* or *انشاء*, which gives no sense here. One expects a noun!

² These seem to be the opening words introducing the case. A Karaite Ḥujjah commences in like wise: *بما يقتضيه الشرع الشريف*, though the document may be defective at the beginning. The following words are obliterated. I have nothing to suggest in their place.

³ Cf. the commencement of a document in Salvatore Cusa, *I Diplomi Greci ed Arabi di Sicilia*, Palermo, 1868, p. 84, *مضمون الكتاب ان*.

⁴ i. e. questions of a perfunctory nature put by the *مذهب الشريف*. Casanova reads *بعد البسملة* "After the Basmallah formula"; but, upon a renewed examination of the original, I venture to differ from him.

⁵ Or, "It has come to light."

⁶ I read *رفع الامر الى*: cf. *رفع الامر*, Dozy, I, 541 b.

⁷ I have very grave doubts that I have hit upon the correct rendering

16. He had the matter under consideration¹ his lofty order to find out who it was that had possession of the afore-mentioned synagogue. Then

17. there appeared the just Sheikh Abū al-Imrān Mūsā ibn Yaʿqūb ibn Ishāk the Israelite, physician to the Exalted Majesty and Chief of the Jewish

18. community, Rabbinite, Karaite, and Samaritan, before the court of justice of our master, the chief Cadi and chief Preacher, mentioned by name above—May Allāh increase his protection!—

19. and against him, the one that stands in need of Allāh the exalted, al-Burhānī² Ibrāhīm, mentioned above, brought an action³ [charging] that the above-mentioned synagogue was new and of recent build, and that he (i. e. Abū al-Imrān) had it in possession unlawfully;

20. and he (i. e. Ibrāhīm) demanded of him to give up possession of it. Questioned in regard to the matter, Mūsā⁴ the afore-mentioned made answer, that the afore-mentioned synagogue was an old building, and that he had been in pos-

21. session of it in a lawful manner for more than forty years; [further] that he had legal proof witnessing to this. •

Then our master, the chief Cadi and chief Preacher,

22. the Shāfiʿite judge, mentioned by name above—May Allāh increase his protection!—asked al-Burhānī Ibrāhīm, the plaintiff

of these words. If I have, reference must be had to an oath taken upon the Koran, في المصحف الكريم, as is done to-day. See Vassal, *Ueber Marokkanische Prozesspraxis*, in *M.S.O.S.*, V, p. 185, and Goldziher, *Muhammed. Studien*, II, 255.

¹ The second, third, and fourth words are quite uncertain, as they are nearly obliterated. وقف على means to "present one's self," to "understand," to "occupy one's self with." One would expect "he examined" into the matter, and gave the necessary orders that, &c."

² I do not know whether or no this is a proper name; or, does it stand for برهان الدين? The proper name al-Burhān is quite common, see e. g. al-Dhahabī, *al-Mushtabih*, Leiden, 1881, p. 37. On the expression الغير الى الله see van Berchem in *La Revue Africaine*, 1905, p. 172.

³ ادعى على.

⁴ i. e. Abū al-Imrān.

afore-mentioned, "Hast thou any proof¹ that witnesses to the truth² of thy charge?" He answered that he had neither

23. proof nor testimony³. Whereon, our master, the chief Cadi and chief Preacher, the Shāfi'ite judge, mentioned by name above, ordered Mūsā the defendant

24. to bring forward testimony that should witness to the truth of that which he had answered. He (i. e. Mūsā) brought forward the following: Bahā'i al-Dīn ibn Kāsim ibn-Muḥannā⁴,

25. Ismā'il ibn Fakhr al-Dīn ibn 'Abd al-Hādī, 'Alī ibn Ḥamid ibn Ḥasan known as Suwaid⁵, the venerable ḥāji Khattāb ibn Naṣīr al-Dīn ibn Mujāhid known by the name

26. of his grandfather, Fakhr al-Dīn ibn Aḥmad Khālid also known by the name of his grandfather, ḥāji Maṣnūr ibn Badr ibn Naṣīr al-Dīn known as "long-legs⁶," the eminent venerable and respected

27. Shihāb al-Dīn ibn al-Zainī⁷, Ḥadīr⁸ ibn Futaiḥ known by the name of his grandfather, the teacher Shahātah⁹ ibn Muḥammad ibn Ma'dhin known by the name of his grandfather, the one that stands in need of Allāh the exalted Sulaimān

28. ibn Ayyūb ibn Muḥammad known by the name of his father, and ḥāji Ramaḍān¹⁰ ibn 'Alī ibn Aḥmad al-Sandabīsī, who gave their testimony before our master the judge, mentioned by name

¹ al-Shirāzī, *al-Tanbih*, ed. Juynboll, 1879, p. 31v: وان اقر لم يحكم عليه حتى يطالبه المدعى وان انكر فله ان يقول لك بينة Compare al-Bukhārī, *al-Ṣaḥīḥ*, ed. Krehl, II, 158: باب سوال الحاكم المدعى هل لك بينة قبل اليمين

² طَبَق really "state."

³ مُسْتَد really "that upon which one rests," "support."

⁴ المَهْمَاء, see al-Dhahabi, *Al-Mushtabih*, Leyden, 1881, p. 211.

⁵ Or, "Blacky."

⁶ A Jewish name in Damascus; see *P. E. F. Statement*, 1905, p. 57.

⁷ الزينى, al-Dhahabi, l. c., p. 24v.

⁸ حَفَر or حَفِير; *ibid.*, p. 18v.

⁹ Or, Shahātha; cf. فرات ابن شحانا, and יוסף בן יצחק בן נחמן שדמחה, Pozański in *Monatsschrift*, XLIX, p. 45.

¹⁰ Compare the name رمضان ابن الدين in Abel, *Aegyptische Urkunden*, p. 52; or رمضان ابن موسى, "ῥαδουὲν ἐν τῷ μουσῇ," in Salvatore Cusa, *I Diplomi Greci*, &c., I, p. 473. (The Greek transcription makes one suppose رمضان and not رمضان.)

29. above, that they were cognizant of the synagogue existing¹ at the head of the Hārat al-Zuwaitah, called "The Synagogue of the Rabbinite Jews" in a street known to-day as "the Street al-Nabbādhin,"

30. situate according to the four [cardinal] points thus: the southern side reaches to the Dār of the just Sheikh Abu-al-Imrān Mūsa afore-mentioned, the northern side

31. reaches to the Dār known as [that of] Ya'kūb, father of Mūsa [afore]-mentioned; the eastern side reaches the street in which it is, and in which are its façade

32. and its gate²; the western side reaches to the Dār known as the property of Ishāk, grandfather of Mūsa on this side, together with its limits and its rights

33. a lawful cognizance which precludes ignorance³. They testified, in addition, that the [afore]-mentioned synagogue was an old building and not built anew.

34. They, also, further testified unanimously⁴ and in a complete and consistent narrative, that the [afore]-mentioned synagogue was a true and legal Wakf, generally considered

35. from of old and from times gone by to be an inalienable⁵ Wakf, confirmed and secured as belonging to the Rabbinite Jews collectively and individually for the purpose of their worship,

36. and that the upkeep, the jurisdiction and authority in respect to it devolved upon whomsoever should be chief of the Jewish communities. Also that the just Sheikh Abū al-Imrān Mūsa

¹ Here الكنيسة; in all other cases الكنيس. In present-day parlance the masculine form is used for "synagogue," the feminine for "church."

² i.e. the در الباب.

³ Difficult to translate intelligently: the word المعرفة takes up again the word بعرفة in l. 29. The data are perfectly precise.

⁴ بالتتابع الدايغ; cf. the expression تتابع الكرّس, "the horse ran evenly, not raising one of his limbs" (Lane). Dozy, I, 423 b, cites التابع الدايغ from the *Arabian Nights*, but says that the second word is used only for the purpose of rhyming with the first.

⁵ مُحْتَبَسٌ. Cf. حبس شية "He made a thing to remain in itself unalienable, not to be inherited nor sold nor given away" (Lane).

37. [afore]-mentioned had been in possession of the [afore]-mentioned synagogue for more than forty years before the present date. That also, the Wakf of the [afore]-mentioned synagogue

38. was older than two generations. This was known¹ and testified to by the witness of those that had been examined in regard to it by the questioning of the judge to whom reference has been made.

39. The foregoing is affirmed by the chief Cadi and chief Preacher, Abū Muḥammad al-Kāsim [afore]-mentioned through the testimony of those mentioned above,—an affirmation true,

40. decisive, determined, [and] complete. He made all this known² to al-Burhānī Ibrāhīm afore-mentioned in a legal manner, in order that he might refute the defender and vindicator³.

41. This, also, was affirmed before the chief Cadi and chief Preacher [afore]-mentioned—an affirmation true, decisive, determined, and complete.

42. Now, when all that this document above written contains had been finished before the chief Cadi and chief Preacher, the judge,

43. named above, and found correct before him in his court of justice, in which his decisions and his judgment⁴ are rendered in Fuṣṭāṭ, Madinat Miṣr, mentioned therein,—

44. the dispenser of decisions, the giver of judgments to the guilty and the innocent—the [defendant⁵] asked him (i. e. the Cadi) for an attestation in regard to his person, that the

¹ I am uncertain about the construction. يُعْلَمُ, or ought we to read يُعْلَمُونَ?

² اعذر الى فلان في الشهود "he made known to some one the names of those testifying against him." (Dozy, s. v., عذر.)

³ مِطْطَن؟

⁴ امنى, "render judgment."

⁵ السائل usually means the "plaintiff." But I cannot imagine that he would ask for judgment, as the case had so evidently gone against him. It must, then, mean "one of the parties in the suit asked him."

Al Tanbih, p. ۳۲۱: واذا ثبت عند الحاكم حق سؤال صاحب اللق ان يكتب له تحقراً بما جرى كتبه ووقع فيه ودفعه اليه ويكتب نسخته ويؤدعها في قمره.

45. contents of this document had been established before him in the [afore]-mentioned court, and he asked for judgment upon the strength of what this [document] contains in regard to all the matters

46. written down therein. He (i.e. the Cadi) acceded to the request of the one that had made the demand, and testified for him as to all that part of his examination that had been established and explained.

47. He gave judgment according to the finding and according to the truth, and ordered his decision to be carried out. And in all this matter, he rendered judgment [and] gave decision after that had been read out before him

48. in the presence of the witnesses who have set their signatures at the bottom of this document all that this document contains, and after having verified ¹ the particulars

49. considered in this [document]. This occurred on the ninth day of Sha'bān in the year 429 [A. H.].

Witnesseth Muḥammad ibn 'Abd Allāh ibn Muḥammad ibn Rajā testifying before the chief Cadi and chief Preacher, trusty of the realm, the faithful Imām, honour of Islām, the glory of judgment Abu Muḥammad al-Nu'mān ibn 'Abd al-'Azīz ibn Muḥammad, according to the testimony established in this place on the above date.

Witnesseth Muḥammad ibn Aḥmad ibn 'Isa al-Utbī testifying before the chief Cadi, &c., &c.

Witnesseth 'Umar ibn 'Abd al 'Aziz ibn Khalaf testifying before the chief Cadi, &c., &c.

The document, it will be seen, is what is technically called a *Hujjah*, i.e. the protocol of an action taken before the Head Cadi ². Such protocols were not always drawn up; but, in case the winner desired it, the judge was bound to grant the request ³. In most cases, the attesta-

¹ My translation of this clause is a leap in the dark. I do not understand the words.

² And not the "foundation document," as I wrote in error (*J. E.*, vol. V, p. 71), following information obtained at second hand.

³ See the citation in p. 488, note 5.

tion of the notary who drew it up is added. This is wanting.

The action referred to dealt with the question which, in former times, had been so troublous and vexatious in Mohammedan countries: the right to build and to rebuild Synagogues and Churches. The subject has been treated of with much learning by Steinschneider and Goldziher¹. It is well to remember that the restrictions placed upon the Ahl al-Dhimma (i. e. Jews and Christians) in the pact supposed to have been drawn up by the Caliph Omar ibn al-Khaṭṭāb dealt also with the building of their places of worship, though it permitted the retention of those already existing. I imagine that the law was honoured more in the breach than in its execution; even though Omar II and, at a later time, Hārūn al-Rashīd attempted to apply it in all its rigour. According to Goldziher, the first mention of the law is to be found in the *Kitāb al-Kharāj* of Abū Yūsuf. The wording of the restriction is plain enough; but, if it is true that "il y a des accommodations avec le bon Dieu," it is still more true of human rulers. The restriction was an impossible one; and, in consequence, necessarily evaded. It provided a hook upon which the Ulemas, when by nature fanatical, could hang their Fetwas, inciting the Mohammedans to take the law into their own hands; and it occasioned much pious fraud upon the part of the Jews themselves. In some instances, the Synagogues were so built that they looked like private houses and were not interfered with—a fact in Cairo to which the polemically-inclined Aḥmad ibn 'Abd al-Ḥaḳḳ refers. Upon other occasions, fictitious Ta'arikhs were invented to show that the Synagogues were built long before the coming of Mohammed: of which we also have instances in Cairo itself.

If the truth must indeed be told, all the Synagogues in

¹ See Steinschneider, *Polemische und Apologetische Literatur*, Index: Goldziher in *R. E. J.*, XXX, p. 1 et seq.; XXXI, p. 212; and Schreiner in *Z. D. M. G.*, LIII, 51.

Fustāṭ and in Cairo were built in despite of the provisions of Omar's regulations. Fustāṭ was a foundation of Amru ibn al-Ās, the famous general of the first promoters of Islām, and Cairo of al-Mu'izz li-Dīn Allāh the Faṭimide (952-975). The Sheikh Aḥmad al-Damanhūrī is right when he says¹: "During the time of the rulers of Cairo, their vizier was sometimes a Jew and sometimes an Armenian Christian: on this account, the Armenian Christians became powerful and built many Churches in Egypt during the time of those sectaries (Shi'ites) and hypocrites." And further; "It has been remarked that this our Miṣr al-Kāhiraḥ of al-Mu'izz is a Mohammedan city, built after the conquest of Egypt during the Faṭimide dynasty. Consequently, the building of any Church or Synagogue or the like in it is not permissible²." There was, of course, the eternal question

¹ From his *أقامة للجنة الباهرة على هدم كنائس مصر والقاهرة* (Khedivial Library, Cairo, Majmū'ah ٣١٨; to which Professor Goldziher was kind enough to call my attention), fol. ١٣٩ b: ولما كانوا ملوك القاهرة كان وزيرهم مرة يهوديا ومرة نصرايا ارمينيا وقويت النصارى بسبب ذلك النصراني الارمني فبنوا كنائس كثيرة بارض مصر في دولة اولئك الرافضة والمنافقين. The author endeavours to prove by the testimony of all the four Madhhabs that neither churches nor synagogues are to be built, and that those that have been restored must be destroyed. Al-Damanhūrī was Sheikh of the Azhar in 1759. See Sulaimān Rasad, *Kuns al-Jauhar*, p. 130.

² Ibid. fol. ١٤٣ a: وتقدم ان مصرنا القاهرة المعزية مدينة اسلامية احدثت بعد فتح مصر في دولة الفاطمية فلا يجوز احداث شئ من البيع والكنائس ونحوها فيها ومن نص على ذلك مفتى الاسلام العلامة الشيخ قاسم بن قُطْلُوبغا المنفى تلميذ ابن الهمام وكتب المذهب مجمعة على منع احداث كنيسة ونحوها بدار الاسلام في محل مملوك لذى فكيف في هذه المحلة الاسلامية في مصر ما وضع الكفر يد عليها مذ بنيت. Al-Makrizi relates that the church of St. Barbara, which had been restored and beautified, was represented by the Mohammedans to be a new building, and was destroyed 718 A. H. See Evetts, *Churches and Monasteries of Egypt*, p. 326. كنيسة بربارة هذه الكنيسة بقصر الروم بجوار خوخة خبيسة يفصل بينهما مسجد. Ibn Dukmāk, p. ١٠٧. In al-Dhahabī's *Tadhkirat al-Huffādh*, I, p. 339, there is mention of a process of law in Mosul on the subject: only by the express will of the Cadi were the Christians allowed to keep their churches. (Note of Professor Goldziher.)

whether Egypt had been conquered by force or had capitulated¹: in the latter case, special arrangements in the capitulations were in no way excluded. But to the rigorous Mohammedan, the Fatimide dynasty, under which all the Fustāt and Cairo Synagogues had been built, was itself heterodox and its permission without value. Just for this reason Taḳī al-Dīn ibn al-Taimiyyah (born 1263) demanded that the buildings should be destroyed.

The greatest difficulty was occasioned by the necessary restoration of Churches and Synagogues. This gave rise to endless disputes² and to chicanery of all manner. It is with a case in point that our document deals. The short of its verbose and repetitious wording is, to wit: A Synagogue of the Rabbinite Jews (about its situation, see below) had fallen into ruin or stood badly in need of repairs. It had been rebuilt—as to what part, we are not told. This must have roused some Mohammedan ire, and a certain Ibrāhīm ibn 'Alī al-Anṣārī brought the whole matter before the Head Cadi, Ibn 'Abd al-'Azīz ibn Muḥammad ibn al-Nu'mān in Fustāt—making complaint that the Synagogue was of recent build and that it ought to be demolished. The head of the Jewish community in Cairo, Abū al-'Imrān Mūsā ibn Ya'kūb ibn Ishāk, was cited to appear as the one in possession of the building and confront his accusers. His answer was that the Synagogue was an old building; and that he himself, acting no doubt for his community, had been in possession of it for over forty years, i. e. for a very long time. The plaintiff, Ibrāhīm, was asked to prove his charges. It is stated that he replied in simple language—and, certainly, to the point, that he had no such proof; a procedure most strange and one-sided, as he must have known that in all such cases proof must be forthcoming. On the other hand, Mūsā had a goodly number of witnesses on hand, who

¹ حلفاً or عنوة. See the long exposition, e. g. in al-Maḳrīzī, *Khī'at*, I, p. 294; or in *Yāqūt*, III, 893 et seq.

² *R. E. J.*, XXX, p. 7.

testified to the exact location of the Synagogue, to the fact that it had been built long ago and to the additional fact that it was known to be and to have been for a long while a Waḳf or pious foundation, and, thus, in no way private property. The plaintiff seems to have been asked to refute the evidence; but he was unable to do so. Whereupon, the Cadi was asked to give judgment for the defendant, after that the testimony of the witnesses had been read out before him. The document itself is witnessed to on the 9th day of Sha'bān 429 A. H. (= 1038), by three further witnesses whose names are attached.

There seems to be no valid reason to doubt the authenticity of the document. Palaeographically, it does not differ from the few original instruments of the same period that have come under my notice. Nor does there seem to be anything in the wording of the text to militate against the date. I had a little hesitancy at the expression "in the street that is *now* known as" (line 29); but I have no means of determining whether this is not a legal expression common to the time and to the practice at the bar. Nor does there seem to be any untoward titular expression that would reveal a later date: if I may presume to rely upon my judgment in such matters.

The chief Cadi before whom the case was brought is well known in Egyptian history, both because of his own person and because of his family—a family of Cadis one may truthfully say. The history of this remarkable family may be in part put together from Ibn Ḥajar's *Raf' al-Isr*, al-Siyūṭī's *Ḥuṣn al-Muḥādarah*¹, Ibn Khallikān's *Wafayāt al-A'yān*², and Ibn Khaldūn's *Kitāb al-'Ibr*³. The original authority is, no doubt, Ibn Zūlāk's *Kitāb Kudāt Miṣr*, which I believe has not come down to us, as I can find no mention

¹ ed. Bulak, 1299 A. H., II, pp. 120 et seq. (ed. 1321, II, pp. 95 et seq.).

² ed. Bulak, III, pp. 116 et seq.

³ Vol. IV, p. 55. Cf. also Wüstenfeld, *Fatimiden-Calife*, p. 218. I have treated of this family in a special monograph entitled "A Noted Family of Egyptian Cadis," in the *Journal of the American Oriental Society*, XXVII, 217 et seq.

of it in the catalogues of the MS. collections. When Al-Mu'izz came from Kairwān to plant the Faṭimide power in the land of the Nile, he brought with him his own Cadi, Abū Ḥanīfah ibn Muḥammad ibn Maṣṣūr al-Nu'mān. But he found a Cadi already in office at Fustāt, whom he seems not to have disturbed; so that al-Nu'mān remained without employment until he died in Jumādah II, 363 A. H. This al-Nu'mān is said by Ibn Khallikān, upon the authority of Ibn Zūlāk and of Musabbiḥi to have been a right learned man and to have composed polemical works¹. His son, Abū al-Ḥasan 'Alī ibn al-Nu'mān, was one of the judges in a matter that arose between the business men in Fustāt and the Maghrabi soldiers. He was the first to receive the title "Head Cadi" in Egypt; that designation having been applied previously only to the Cadi in Baghdad². In addition he was a poet of some renown³. There were very frequent changes of Wazirs and Cadis during the Faṭimide regime: but six Cadis at least came from the family of al-Nu'mān, as may be seen from the following list:—

1. Abū Ḥanīfah ibn Muḥammad ibn Maṣṣūr al-Nu'mān; died 363 A. H.
2. Abū al-Ḥasan 'Alī ibn al-Nu'mān; died 374 A. H.; son of the preceding.
3. Abū 'Abd Allāh Muḥammad; died 389; brother of the preceding.
4. Abū 'Abd Allāh al-Ḥusain 'Alī; died 395; son of Abū al-Ḥasan.
5. Abū al-Kāsim 'Abd al-'Azīz ibn Muḥammad al-Nu'mān; deposed Rajab 398⁴.

¹ Extracts from his *Istī'āḥ al-Dawlah al-Thāhirah* are used by al-Maḥrizi in his life of Ubaid Allāh: see *J. A.*, 1836, p. 123, and Carl H. Becker, *Beiträge zur Geschichte Ägyptens unter dem Islam*, I, 1902, p. 11.

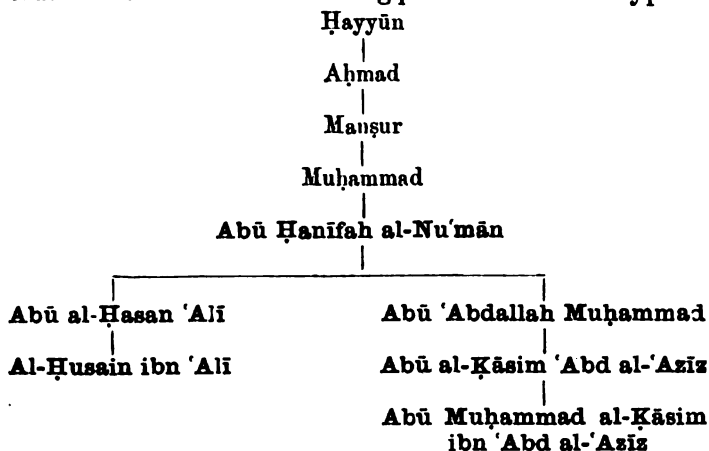
² وهو أول من نعت بقاضي القضاة في مصر ولم يكن يدعى بذلك إلا ببغداد (al-Siyūṭī).

³ وكان شاعرا غالبا وشاعرا مجيدا.

⁴ Omitted by Ibn Khaldūn.

6. Mālik ibn Sa'd al-Fāriḳī; deposed Rabi' I. 405¹.
7. Abū al-'Abbās Aḥmad ibn Muḥammad ibn 'Abd Allāh ibn Abī al-Awwām; died Rabi' I. 418.
8. Abū Muḥammad al-Ḳāsim ibn 'Abd al-'Azīz ibn al-Nu'mān; deposed Rajab 419; twice again in office. Son of No. 5.
9. Abū al-Faṭḥ 'Abd al-Ḥākim ibn Sa'id al-Fāriḳī; deposed Dhu'l Ḳa'dah 427; a brother of No. 6.
10. Abū Muḥammad al-Ḳāsim ibn 'Abd al-'Azīz ibn al-Nu'mān, a second time 427.
11. Yahya al-Shihābī; deposed Muḥarram 441.
12. Abū Muḥammad al-Ḳāsim ibn 'Abd al-'Azīz ibn al-Nu'mān, a third time; deposed in the same year.
13. Abu Muḥammad al-Ḥasan ibn 'Alī ibn 'Abd al-Raḥmān al-Yazīrī; deposed Muḥarram 441.

The relationship of the al-Nu'mān family can be seen from the following genealogical table; the names of those that held the office of Cadi being printed in heavier type:—



From the above it will be seen that Abū Muḥammad al-Ḳāsim ibn 'Abd al-'Azīz, the Cadi mentioned in our document, occupied his office of Chief Cadi three times. He was first appointed in 418 A.H., deposed in 419;

¹ al-Siyūṭī, by mistake, 345. Ibn Khaldūn has ملكتة بن سعيد.

re-appointed in 429, re-deposed in 429; re-appointed 441, re-deposed in 441¹. How long he lived and what his further fortunes were, I have not been able to find out. Our document was made out during his second tenure of office. One of this family, al-Nu'mān, must have given his name to the "Zāwiyat [hospice] ibn al-Nu'mān" in Cairo². Considering how close the intimacy of the family was with the Faṭimides, it is peculiar to note that an Abū 'Abd Allāh ibn al-Nu'mān, head of the Shi'ites in Bagdad, was one of the signers of the famous proclamation (402 A. H. = 1011), which declared the Faṭimides not to be in the line of prophetic descent. But, perhaps, this one belonged to a different family.

Abū Muḥammad al-Nu'mān is called in the Hujjah and by al-Siyūṭī قاضى القضاة وداعى الدعاة "Head Cadi and Head Preacher or Missionary." Each of these offices was of much importance. As Head Cadi, the holder had great power; he was the chief legal authority in the country, and director of the mint. It is said that Abū 'Abdallah al-Ḥusain ibn 'Alī ibn al Nu'mān was the first to combine these two offices, which, from time to time, were held by one and the same person³. Al-Maḥrizī gives the following

¹ The length of his second tenure of office is uncertain. Al-Siyūṭī assigns these years to al-Shihābī, who evidently replaced al-Nu'mān during a part of them : واستخلف عنه القاضى يحيى الشهاب فاقام ثلاث عشرة سنة ثم عزل فى المحرم سنة احدى واربعين واعيد قاسم ثم صرف من عامه. According to al-Maḥrizī (*Khīṭaṭ*, I, p. 355 bottom) the thirteen years belong to the Cadiaship of our Abū Muḥammad al-Kāsim : وفى المحرم سنة احدى واربعين صرف قاضى القضاة قاسم بن عبد العزيز بن النعمان عن القضاء بعد ما باشرة ثلاث عشرة سنة وشهرا واربعة ايام.

² al-Maḥrizī, *Kopten*, ed. Wüstenfeld, p. 50.

³ In a general way Ibn Khaldūn (l. c.) says: واتصل فى آخرين الى آخر دولتهم كان كثيرا ما يجمعون للقاضى المظالم والدعوة فيكون داعى الدعاة وربما يفردون كلا منهما وكان القاضى عندهم يصعد مع الخليفة المنبر مع من يصعد من اهل دولته عند ما يتخطب للخلفاء فى الجمع والاعياد. On the functions of the Cadi, see also Ibn Khaldūn, *Muḥaddimāt* (Beirut, 1816), pp. 192 et seq.

account of the office and its functions, which makes a fitting setting in which to place the events related in the *Hujjah*¹: "It was the custom of this dynasty that when the Wazir was the 'Chief of the Sword,' he invested with the dignity of Cadi a man to take his place. This was begun only during the days of Badr al-Jamālī, Commander of the forces. But when the Khalifah was independent, he placed a man at the head of the [Department of] Justice, whose title was 'Head Cadi.' The rank of such an one was the highest of the dignatories of the turban and of the pen. Sometimes the same was also Preacher: then he was called 'Head Cadi and Head Preacher'². All religious matters were in his care. He took his seat every Saturday and Tuesday in the Ziyadah of the Mosque of 'Amru ibn al-Āṣ in Old Cairo upon a divan ('mattress') and a silken cushion. . . . The witnesses sat to his right and left around him according to their precedence of rank. Near him were five attendants; two in front, two at the door of his private room, and one to introduce those that came to him as litigants. Four guards stand near to him; two facing two. He has an inkstand ornamented with silver, which is brought to him from the state treasuries; a bearer is appointed for it, who is paid by the government. From the stables there is brought for him a grey mule; one of such a colour being reserved for him alone. From the saddle-magazine a saddle is brought for him, richly adorned, on the outside of which is a placque of silver. In place of hide, silk is used. Upon state occasions he wears chains and robes of honour [faced with] gold. But he is not accompanied with drum or trumpet, except when

¹ *Khiṭaʿ*, I, p. 403. See also al-Kalkashandī, I, 251.

² Badr al-Jamālī and even al-Afdal himself have these titles. On the Roḍa Nilometer the first is cited as كافل قضاء المسلمين وهادى دعاة المؤمنين. The Vizier Yājūrī (1058) is called قاضى القضاة وداعى الدعاة (de Sacy, *ʿAbd al-Laṭīf*, p. 436, *Ibn Iyās*, p. 59); and the Vizier Ibn al-Batāʾihī (1121-1125) نظام الدين والدعاة. See Amari, *I Diplomi*, p. 453. On the Dāʾi al-Duʾāt, see al-Maḥrizī, *Khiṭaʿ*, I, 391.

he is appointed preacher as well as judge: in which case the accompaniment of the dignity of preacher is the drum, the clarion, and the special flags; for this one is the keeper of the flags with which the Wazir 'Chief of the Sword' is honoured. When he officiates specially as judge, there are about him Readers, and before him the criers who proclaim the name of the Caliph and the Wazirs of the day. He is borne [in state] by the lieutenants of the gate and the attendants. No one approaches his presence, wishing to speak to him, even if he be Chief of the Sword and the Pen, nor does messenger or mission approach, except they receive permission. He addresses no one when he is in the seat of judgment; nor is a witness heard, except at his order. He sits in the Kaṣr on Monday and Thursday at early noon in order to salute the Caliph. His representatives [also] give judgment; the head of the Treasury must report to him. He has, also, to watch over the Diwān of the Mint, in order to render an account of the money that is minted."

Unfortunately, we are not so well acquainted with the Jewish defendant as we are with the learned judge. He is called "Abū al-Imrān Mūsa ibn Ya'qub ibn Ishāk." Further, we know that he was a physician in the employ of the Court¹; as Isaac ben Solomon Israeli had been before him under Ubaid Allāh (953); Mūsa ben Eliezar under al-Mu'izz (969); al-Ḥaḳir al-Nāfi' under al-Ḥākim (996); and after him Abū Maṣṣūr under Ḥāfiṭh (1131), Abū al-Bayyān al-Mudawwar (died 1184) and Maimonides at the Court of Saladin, and Abraham Maimonides under al-Mālik al-Kāmil (1218). In addition, he represented the Jews as a body to the Government. As such he is designated "Ra'is al-Yahūd," or "Head of the Jews²";

¹ The expression *طبيب للفرقة الشريفة* does not allow us to say more. If he had been body-physician to the Caliph, I suppose that the expression would have been *طبيب للملك*. See al-Kāḷkashandī, tr. Wüstenfeld, p. 195.

² Maimonides is called *رئيس الأمة*; al-Maḳrīzī, however, says that the *ديان اليهود* was the representative of the Jews, as were the two patriarchs of the Christians (*Gesch. der Kopten*, ed. Wüstenfeld, p. 31).

and it is expressly stated that his representation, and with it a certain jurisdiction, extended over the three classes or divisions of the Jews in Cairo: Rabbinite, Karaite, and Samaritan Jews¹.

We know so little about the internal organization of the Jewish community in Egypt, that I venture to go a little afield. In the *كتاب صبح الاعشاء*² of al-Ḳalkashandi, who died in 824, I have found some interesting extracts bearing upon this question and which I have added as an Appendix (No. III). Al-Ḳalkashandi cites as authorities Jamāl al-Dīn ibn Nabātah and Muḥyī al-Dīn 'Abd al-Thāhir. But in the *كتاب التعريف بالمصالح الشريف*³ of the Cadi Shihāb al-Dīn al-Umarī, and to which Goldziher has already called attention⁴, I find a number of extracts which agree almost word for word with the text of al-Ḳalkashandi. Shihāb al-Dīn, Jamāl al-Dīn, and Muḥyī al-Dīn all lived in the eighth century A. H. Consequently, al-Ḳalkashandi must have made use of Shihāb al-Dīn⁵.

The Dayyān had purely religious functions, and al-Makrizī must refer to the Ra'īs al-Yahūd. See below, p. 538. In the Genizah documents discussed by E. J. Worman, *J. Q. R.*, XVIII, 1 et seq., he is designated as ראש הקהילה (p. 32), ראש הקהל (p. 14) or simply as הראש (p. 15). See, also, Ibn Duḳmāk, pp. 25, 30 *رئيس اليهود*.

¹ To the material that I have collected on the Samaritans in Egypt (*Jewish Encyclopaedia*, s. v.) it might be added that Abū Sāliḥ gives an account of their disputing with Mark the Blind. One of their priests, Ibn Manhūb, called Ibn al Kaubar, was excommunicated c. 1150 (ed. Evetts, p. 21). At the time of al-Ḳalkashandi (d. 824 A. H.) the Samaritans had their own Ra'īs, who gave judgment, watched over marriage and testamentary agreements, and had the synagogues (?) in his charge. See Appendix III, f.; and for the oath to be taken by a Samaritan, *ibid.* III, j. It is curious that the much larger Karaite community had no head of its own, but was subject to the Rabbinites!

² MS. of the Khedivial Library at Cairo. The large volumes are not paginated, so that I am unable to cite accurately.

³ ed. Cairo, 1312 (= 1895). In one place al-Ḳalkashandi mentions Shihāb al-Dīn's work by name.

⁴ *R. É. J.*, XXX, p. 9, note 2.

⁵ Vol. I of this work has recently been printed, though the title-page has the year 1903. P. 4 et seq. al-Ḳalkashandi refers to the *Kitāb al-Ta'rif* as one of his chief authorities. See also pp. 6, 64, 108, 122, &c.

In discussing the officers of the various non-Mohammedan communities¹, after having mentioned the Bishop (الأسقف), the Metropolitan (المطران), the priest (القسيس), the Catholicus (الباثليق), the Beadle (الشماس), and the monk (الراهب), he continues: "The second community are the Jews. The titles of three of their functionaries are well known. The first is the Ra'is: he is the one among them that takes the place of the Patriarch among the Christians. Account has already been given of the word. . . .² The second is the Hazzān (with unpointed *ha*, pointed *zai* with *tashdīd*, after the *alaf* a *nūn*). He must be well versed in preaching. He ascends the Minbar (= Almemar) and exhorts them (i.e. the people). The third is the Sheliaḥ-Zibbūr (pointed *shin* with *kasr*, a *lām*, *fath* over the *ya* with two points below; then unpointed *ha* with *sukkūn*, unpointed *sād* with *fath*, *ba* with one point, *tashdīd* and *dhamma*, after which *ra* i.e. شَيْلِيْحَ بُوْر), i.e. the Imām who leads them in prayer."

In another part³ he has the following: "The sixth fashion, treating of the chiefs of the various offices in Egypt. The representatives of the Ahl al-Dhimma. Rescripts are addressed to all of them with the preceding titles, commencing then with *amma ba'du, ḥammid Allāh!* The first office is that of Ra'is al-Yahūd. His function is to represent all the Jews, to serve them as legal authority and as judge in conformity with their law, and so forth. In the chapter on Religions and Sects⁴, it has already been said that the Jews comprise three different communities, the Rabbinites, the Karaites, and the Samaritans. The custom has been that the Ra'is should be of the Rabbinite community, to the exclusion of the others. He sits in judgment over the three communities." Then follow the rescripts and instructions for Rabbinites and Samaritans, which will be found in extenso in the Appendix. "The

¹ In الجزء الثالث.

² A break in the MS.

³ الجزء السادس.

⁴ I was unable to find this chapter; there was no index of any sort to the MS.

duty laid upon him," says the instruction among other things, "is to join his community together and to prevent their separation by means of their obedience to him, and by his pronouncing judgment for them according to the laws of their religious body and the customs of their community when it is evident to him in matters relating to his rule." He is to watch over the contracting of marriages and the customs of divorce, the pronouncing of the ban, the turning in prayer to the proper *Kiblah*. "The Mohammedans take refuge from the Jews to him"; and it lies upon him to see that the restrictions placed upon the *Ahl al-Dhimma* are not overlooked, especially that new synagogues be not built, and that the Jews wear the proper turban and the yellow garments. He had permission to preach in all their synagogues, and he was responsible for law and order in the community.

Where was the synagogue situated to which the *Hujjah* refers; or, perhaps, where is it to be found to-day? To solve this question it is necessary to refer back to the topographists of Cairo. *Ibn Duḡmāk* (1350-1406) had probably a longer account than that which now appears in the printed edition of his work¹; for just at the most interesting spot there is the ominous remark that the original MS. has a blank page or part of a page². On the other hand, the account of *al-Maḡrīzī* has been almost entirely preserved; although the uncritical text given in the Cairo edition makes the use of this really monumental work most difficult. As his description must be made the starting-point of all investigations, I jot down that part of the *Khīṭaṭ* which gives "An account of the Synagogues of the Jews"³, though this has already been done in part by *Schreiner*⁴ and by myself⁵.

"Allāh has said 'Had not Allāh separated mankind from each

¹ P. 1. a.

² *Khīṭaṭ*, vol. II, pp. 464 et seq.

⁴ *Z. D. M. G.*, XLV, p. 295.

⁵ *Surah* xxii. 41.

³ بياض بالاصل.

⁵ *J. E.*, s. v., Egypt.

other, hermitages, churches, synagogues¹ and mosques would have been destroyed, in which the name of Allāh is often repeated.' The exegetes explain that the hermitages belong to the Sabaeans, the churches to the Christians; that the *Ṣalawāt* are the synagogues of the Jews, while the mosques belong to the Mohammedans. Ibn Kutāibah adds: '*Kanīs* is a Hebrew (or Aramaic) word meaning in Arabic the place in which people gather for prayers.'

Al-Makrīzī then gives a summary of the Synagogues of which he had cognizance:—

"In Egypt they (the Jews) have a number of synagogues, e. g. the Synagogue of Damwah in Gizeh, the synagogue of Jaujar in one of the Western cities (?); in Miṣr al-Fuṣṭāṭ a synagogue in the district of al-Muṣāṣah in the street al-Karmah; two synagogues in the district Kaṣr al-Sham'; in Cairo a synagogue in al-Jaudariyyah, and five synagogues in the district Zuwaitah."

This makes eleven in all.

Of the individual Synagogues, al-Makrīzī has the following to say:—

(1) "The synagogue of Damwah. This synagogue is the largest place of worship belonging to the Jews in Egypt. The Jews all agree in holding that it is the spot to which Moses ibn 'Imrān retired² when he sent the messages to Pharaoh [and in which he

¹ The word used here is *صلوات* = *ṣalawāt* = *ṣalawāt* = *ṣalawāt*. The Mohammedan lexicographers have much learned rubbish upon this word, on account of its occurrence in the Koran, though they know its meaning and recognize it as Aramaic (عبرانية). See al-Firuzabādi, *Ḳamūs*, s. v.; *Lisān al-'Arab*, XIX, p. 200, 5; *Tāj al-'Arūs*, X, p. 213. According to Pedro de Alcalá, *Biaḥ* (Church), or as pronounced in Spain *Ba'rah*, was used in his days for "sinagoga ayuntamiento de judios." Dozy, s. v. Aḥmad al-Damanhūrī, l. c., p. 14 b, says: *وأما الكنيسة متعبد اليهود والبيعة بكسر الباء متعبد النصارى وكانت الكنيسة والبيعة في الأصل يطلقان على متعبدتهما ثم غلبا في الاستعمال على ما تقدم. وأهل مصر يطلقون الكنيسة على متعبدتهما ويحتمون اسم الدبر بمتعبد النصارى. والصومعة بيت يبنى براس طويل ليتعبد فيها بالانقطاع من الدنيا وحكمه كبيت النار والدير كالكنيسة*. On the *Sauma'ah*, see Z. A., IX, 306.

² This tradition has now been transferred to the synagogue in Old Cairo.

remained as long as he was in Egypt, from the time that he came from Midian until he went from Egypt with the children of Israel. The Jews imagine that the present building was put up some forty years after the second destruction of the Temple by Titus, which would be more than five hundred years before the appearance of Islam. In [the court of?] this synagogue is a Zanzalakht tree¹, exceedingly tall, which they are agreed dates from the time of Moses. They say that Moses planted his staff in this place, and that Allāh caused this tree to grow there, that it never ceased to bear flourishing branches, its stem reaching up to heaven, beautiful in its equality and thick all the way up, until al-Mālik al-Ashraf Sha'bān ibn Husain erected his Madrasah beneath the citadel. He heard of the beauty of this tree and had it cut down for building purposes. His men came to do with it what they had been ordered; when, lo and behold! it was overturned and twisted and had become an evil-looking thing. So they left it, and it remained in this wise for some time. It is conceded that when once a Jew and a Jewess committed adultery under it, the branches commenced to hang down and the leaves to wither. Then it dried up, until there was not a green leaf left upon it. And so it has remained until this day. A [special] festival is celebrated in this synagogue, on which the Jews pilgrimage [thither] together with their households on Pentecost in the month of Sivan. They do this instead of making the Hajj to Jerusalem."

Then follows a long apocryphal account of Moses.

In his account of the Copts², al-Makrizi gives some further details:—

"The monastery of Dūmuh³ in Gizeh is also known as 'Dūmuh al-Sabā'. It is connected with the names of Cosmas and Damian. It is a pleasant monastery. The Christians think that one of their

¹ A species of acacia: a suggested reading of Dr. A. S. Yahuda for the printed زيزلخت.

² *Khiṭāṭ*, II, 504; Wüstenfeld, *Kopten*, text, p. 39.

³ Or *Dumouh*: I do not know the correct pronunciation. Above I have written *Damwah*! The Paris MS. of Sambari (fol. 68a = ed. Neubauer, 137, 13) has דמוח, which seems to indicate the consonantal sound of the *waw*. De Sacy has in one place (*Relation de l'Égypte*, p. 245) *Dimouh*, in another (*ibid.*, p. 675) *Doumouh*.

wise men named Saba' lived in Dūmuh; and that the synagogue of Damwah, which is now in the possession of the Jews, was [formerly] a Christian monastery. The Jews bought it from the Christians at a time when the latter were in straits. But I have already spoken of the Synagogue of Damwah."

An earlier Christian author, however, the Armenian Abū Ṣāliḥ¹ who lived c. 1173, knows nothing of this latter tradition. He says:—

"Damūh.—Here is the Church of Cosmas and Damian, their brethren and their mother, which was restored by the Sheikh Abū Sa'id, the scribe, who was a member of the Dīwān al-Makātabāt. Near it there is a garden containing a well with a water-wheel, upon the high road. The Jews have in this district a synagogue, enclosed by a wall, within which are lodgings for them, and a garden in which are trees and palms, and a circular well with a water-wheel. Here disputes took place between the sects of Rabbinites and Karaites concerning the lighting of lamps. It is said that the prophet Moses, in the days of Pharaoh, visited this place, and prayed in it and slept in it."

Evetts, in a note, questions whether this Damūh is really to be sought in the province of al-Jizah (Gizeh). There is at present a Damūh al-Sabā in the district of Dakarmas, province of al-Dakhaliyyah. Perhaps this view is supported by al-Sambari, who speaks² of the כניסה מוסה in the city of דמח. At his day the synagogue was in ruins; but he connects it with the wonderful history of Moses of Damūh³, as well as with that of the lawgiver. I have a suspicion

¹ Evetts, *Churches of Egypt*, transl. p. 196. The statement in the *Biennial Report of the Jewish Theological Seminary of America*, 1902-4, p. 26, that the Synagogue of Elijah "at least dates back as far as the Mohammedan conquest of Egypt" cannot be taken seriously.

² In *Mediaeval Jewish Chronicles*, ed. Neubauer, I, pp. 120, 137. Benjamin of Tudela, ed. Asher, II, p. 235. On p. 160 Sambari speaks of Moses of Damūh as משה רמחי ברל דמח. It must, of course, be remembered that Gizeh was a part of Cairo, the city being divided into four parts: Fustāt, Cairo, the island of Ramleh, and Gizeh. *Muḥaddasi*, ed. de Goeje, p. 197; *al-Maḥriḥ*, I, p. 399.

³ Related by him, *ibid.*, p. 120, bottom.

that the name of the first of these has occasioned the ascription to the second.

2. "The Synagogue of Jaujar is one of the most renowned of the synagogues of the Jews. They think that it is connected with the prophet of Allāh, Elijah, who was born in it; that he was accustomed to visit it as long as he remained on earth, until Allāh took him to himself."

Then follows a long story about Elijah, who is said to be the same as Phinehas ben Eliezar¹.

The next three were in Fustāṭ or Old Cairo

3. "The Synagogue al-Muṣṣaḥ, much honoured by the Jews, in the district Muṣṣaḥ of Madinat Miṣr. They (the Jews) believe that it was restored in the Caliphate of 'Umar ibn al-Khaṭṭāb. Its situation is known to be in the street al-Karmah. It was built in the year 315 of the Seleucid Era, which was about 621 years before Islam. The Jews, also, imagine that this synagogue was a *majlis*² of Elijah the prophet of God."

If there is any truth in this tradition, the synagogue was built in the year 3-4 C.E.—which I take the liberty to doubt. On the other hand, Sambari³ (who usually follows al-Maḥrizī, and indeed cites him) calls this a Karaite synagogue built in the year [4]765: which view is supported by Ibn Duḥmāk, "The Synagogue of the Karaite Jews in al-Mamṣūṣaḥ in a lane of the street al-Karmah⁴." One can only answer with the Mohammedan "Allāh A'lam"—God knows best! Ibn Duḥmāk must refer to this in speaking of the "Synagogue Place in al-Muṣṣaḥ in the

¹ Which explains Sambari's reference, p. 121 middle, to Phinehas. In his day it was in ruins. See *Z. D. M. G.*, XLV, p. 297.

² Divan or tribunal?

³ l. c., p. 136, bottom: בית הכנסת של קראיין במדחן לזמן אלמסאחא כי ערב: אלמסאחא (אלמסאחא). Observe the more correct punctuation حُط.

⁴ P. 1.08: كنيسة اليهود القرايين بالممصوصة بزقاق من ارقه درب الكرمة. It is unfortunate that the original MS. breaks off just at this point. A Genizah document also has the reading *Mamṣūṣaḥ*, *J. Q. R.*, XVIII, 30.

small market of the Jews¹." The position of the street al-Muṣāṣah has been approximately fixed by Guest and Richmond as follows: "Darb al-Hajar joined a place called Maḥras Banānah², which was the end of a street called El-Muṣāṣah. The other end was at the Sakifat Khairah, which was connected by streets to Es Suḵ el-Kebir. El-Muṣāṣah must therefore have run generally parallel to the east wall of the Kaṣr esh-Sham³." At the time of Ibn Duḡmāk and al-Maḡrizi the Khuṭṭ al-Muṣāṣah was greatly devastated⁴.

4. "The Synagogue of the Palestinians was in the district Kaṣr al-Sham⁵ of Madinat Miṣr. It is old: over its door there is in

خوخة الكنيسة هذه الخوخة بقصر الشمع على يمنة من قصد : P ٣٠ : محط اللبن وهذه الكنيسة خوخة الفائزي هذه الخوخة بالمصاة بسويقة اليهود سكن داخلها الماحب شرف الدين الفائزي التح.

درب محرس بنانة هو الدرب الذى بآخر حط المصاة وخط : I. c., p. ٣٦ : محرس بنانة تجاوره عن يمنة من دخل منه الى دار محبي الدين النليسي وعلى يسرة دار تعرف بابن ماضي وهذا الشارع من سويقة اليهود ودرب ابن بكير والى درب محرس بنانة وقدخرب الآن.

¹ A. R. Guest and E. T. Richmond, *Miṣr in the 15th Century* in *J. R. A. S.*, 1903, p. 803. See also E. J. Worman, in *J. Q. R.*, XVIII, pp. 28 et seq.

² Ibn Duḡmāk, above; *al-Khi'a'*, I, p. 339, line 25.

³ "The Citadel of the Candle," so called because "it was customary to light a candle on this citadel at the beginning of every month, i. e. when the sun had gone through one of the signs of the Zodiac, on that night a candle was lit upon the top of the citadel, by the lighting of which candle the people knew that the sun had passed through from one sign into another," *al-Khi'a'*, I, p. 287. Ibn Duḡmāk speaks of the synagogue as being in the Kaṣr al-Rūm, which I take to be only another name for the Kaṣr al-Sham': *نجوار*: "The synagogue of the Palestinian Jews was in Kaṣr al-Rūm, near to the Khūkhāt Khabīṣah and the road [leading] to it" (p. 108). See also *J. Q. R.*, XVIII, p. 20. Of the Khokhat Khabīṣah he says: خوخة خبيصة هذه الخوخة بقصر الشمع فيما بين كنيسة اليهود والمسجد الارمى هناك وداخلها غير نافذ غيران رؤس اليهود استرق من السور بابا فتحة من دارة التى بالمصاة يسلك منه من هذه الخوخة وسكن داخلها جماعة "The Khūkhāt Khabīṣah is in Kaṣr al-Sham', between the synagogue of the Jews and the Maajid al-Araḡi there. There was no

Hebrew script and engraven upon wood [an inscription to the effect] that it was built in the year 336, Seleucid Era; before the second destruction of Jerusalem by Titus about 45 years, and before the Hijrah about 600 years. In this synagogue there is a copy of the Torah, about which all are agreed that it is in the handwriting of Ezra the prophet who is called in Arabic al-'Azīr."

Sambari has a similar reference¹. Moses ben Elijah—with more verisimilitude—places the construction of the synagogue in 1291. About the year 1487 Ka'it Bey or his Wazir was in need of columns for a palace about to be built. He had in mind to take those of this synagogue; but was bought off with 10,000 gold pieces. Moses ben Elijah also speaks of the many Hebrew inscriptions that covered its walls²: similar, I suppose, to those that can still be seen upon the walls of the old synagogue of Samuel ha-Levi in Toledo. This synagogue must have stood upon the spot where is the present synagogue in Old Cairo. I doubt whether the actual building is the same. I was told that the old building had been pulled down; and a much plainer building put up in its stead—according to

way out of the Khūkhah, but the Ra'is al-Yahūd had a door put in the wall which opened [the way] from his *dār* in al-Muṣāṣah, through which one could then get out of the Khūkhah. Inside it was largely inhabited." This may be added to the notices above about the Ra'is al-Yahūd. *J. Q. R.*, XVIII, p. 23.

A. J. Butler, however, believes that the word *Sham'* is merely a corruption of the old Coptic name for Egypt *Ⲭⲙⲁⲓ*. See Evetts, *Churches of Egypt*, p. 72. The same name seems also to have been given to the Citadelle of Cairo; de Sacy, *Relation de l'Égypte par Abd-Allatif*, p. 208.

¹ l. c., p. 118. He speaks of two synagogues in Old Cairo—one of the Babylonians (see below!) and one of the Palestinians. He adds that al-Makrizi mentions a third one, which was unknown to him; he was also told that formerly there had existed there a Karaite synagogue. But, on p. 136 below, he knows of all the three synagogues in Fustāt—two belonging to the Rabbinites and one to the Karaites. Before laying the blame upon Sambari himself, we must have a critical text of his chronicle, and not the mere and uncritical reproduction of the MS. that both Neubauer and Berliner have given us. On the *שנת ה'תתקצ"ו* in the Genizah documents, see *J. Q. R.*, XVIII, 11.

² Also mentioned by Ibn Saphir, vol. I, p. 21.

Hakam Mangouby—by both Rabbinites and Karaites ; both parties having the right to-day to use it and to burn oil in it. Max Herz Bey, head of the Wakf administration in Cairo, was certain that he had seen the old building some twenty-seven years ago, but that since then it had been completely destroyed. There is nothing at all remarkable about the present building, except its extreme poverty. There are no signs either of beautiful columns or of Hebrew inscriptions : and the miserable surroundings, which I have described elsewhere¹, are a disgrace to the Cairo community. The best description of the older building is given by Alfred J. Butler² :—

“At the far end of the palm-garden projects a bastion, the ruined walls of which have been built up with Arabic brick and crowned with a circlet of posts, like those of Māri Mina. This bastion, however, is better viewed from inside the dais, and is reached by a visit to the Jewish synagogue, behind which it stands This Jewish synagogue is worth a visit. It was originally a Coptic church dedicated to St. Michael, and was sold to the Jews by his namesake Michael, 56th patriarch. Towards the end of the ninth century, Eutychius says that St. Michael in Kaṣr-ash-Shamm'ah was the last church held by the Melkites, about the year 725 A. D., when all other churches throughout the land of Egypt had passed into the hands of the Jacobites. How long it remained with the Melkites is uncertain : but the violent antipathy of the two factions no doubt gave a cause of quarrel and conquest to the Jacobites, long before the time when, according to Macrizi³, it was made over to the Hebrews. The synagogue is about 65 ft. long and 35 ft. broad, and shows in

¹ *New Era Magazine*, July, 1905.

² *Ancient Coptic Churches*, Oxford, 1884, p. 168. Facing p. 155 is a design of the Kaṣr with the position of the synagogue marked ; see also Butler, *The Arab Conquest of Egypt*, p. 240.

³ *Al-Khiṭaṭ*, II, 153, at the top. In the *J. E.*, s.v. EGYPT, I have attributed, upon hearsay, the opinion that this synagogue is the old St. Michael Church to Mr. E. N. Adler (quoting *J. Q. R.*, IX, 670). It deserves notice that Abū Ṣāliḥ knows nothing of this change of the church into a synagogue. See Evetts, *Churches and Monasteries of Egypt*, p. 122.

miniature a Coptic basilica in its simplest and perhaps its earliest form. If the eastern end has suffered some alteration, the nave, side aisles, and returned aisles with triforium above, are unchanged from the old design, though whitewash has long since defaced the splendid colours once blazoned on the walls. In point of detail there is not much of interest remaining, except the fine stucco work about the arch of triumph, the tank or well behind the apse, and the carved doors at the end of the south aisle, upon which one may notice gazelles, and that other ancient Christian symbol, a pair of birds with retorted drooping heads, and between them a bunch of grapes—a symbol one may see graven with equal fidelity in the Mosque of St. Sophia.”

5. “Synagogue of the Babylonians (عراقيين).—This synagogue is also in *Ḳaṣr al-Shamʿ*.”

Ibn Duḡmāḡ is more precise: “Synagogue of the Babylonian Jews in *Ḳaṣr al-Rūm* in the Jews’ lane near *al-Muʿallakāh* ¹.”

Coming to Cairo, *al-Maḡrīzī* continues:—

6. “Synagogue in *al-Jaudariyyah*. This synagogue is in the *Hārāt al-Jaudariyyah* of Cairo. It has lain waste since the Caliph *al-Ḥākin bi-Amr Allāh* destroyed the *Hārāh* [in his anger] against the Jews, as we have already related in speaking about the *Hārāhs*.”

It is somewhat difficult to determine where this synagogue was situated. The topography of the older part of Cairo was already much changed in the days of *al-Maḡrīzī* from what it had been during the *Faṭimide* rule; and since then a few important changes have obliterated a number of ancient landmarks. This is especially true of the “*Rue Mousky*” (so called after the Amīr *ʿIzzal-Dīn Mūsek*, a relative of *Saladin*, who died at *Damascus* in 1188), a strategic street cut through by *Bonaparte* after the revolt of October, 1798, and of its prolongation the “*Rue Neuve*,” finished at the time of *Ismaʿil Pasha*.

¹ P. 108: كنيسة اليهود العراقيين هذه بقصر الروم بزقاق اليهود بجوار المعلقة. Cf. *Sambari*, l. c., p. 118, in whose time it was in ruins. See also *J. Q. R.*, XVIII, 11.

According to Ravaisse¹, whose excellent studies on the oldest topography of Cairo were the first of their kind, the Ḥārat al-Jaudariyyah—so called from the Jaudarī, a troop of 400 men forming part of the army of the Fatimide Conqueror—was bounded on the north by the Ḥārat al-Umarā, on the south by the Ḥārat Zuwailah, on the east by the Ḥārat al-Dailam, on the west by the Ḥārat al-Waziriyyah; i.e. it was directly west of the present mosque al-Ashraf, about the position of the Shāri' al-Ḥamzāwī of to-day. The story need not be told here why and how the Caliph al-Ḥākim cleared the Jaudariyyah of its Jews and turned the synagogue into a mosque².

The same al-Ḥākim was responsible for doing a like evil with another synagogue, not quite as far north in the city as this. As one enters the inner city by the old Bāb Zuwailah, with its ancient doors, upon the nails of which are hung innumerable bits of cloth devoted to the numens of the place and which the passers-by devotedly kiss, one goes north past the mosque al-Mu'ayyid, through the Shāri' al-Sukkariyyah into the Shāri' al-Aḳḳādīn. Just before a Sabil around which one turns into the Ḥārat al-Rūm³, there is a door leading downwards a few steps through a dark corridor into a small mosque⁴. There are in it

¹ Paul Ravaisse, *Essai sur l'Histoire du Caire*, in the publications of the École Française du Caire, vol. I, p. 423; *Topographie du Caire*, *ibid.*, II, p. 4. Sketch maps of the ancient city will also be found there.

² Al-Ḳalkāshandī, ed. Wüstenfeld, p. 73; al-Maḳrīzī, *Khitaṭ*, II, p. 5; J. E., l. c. He then forced the Jews to live in the Ḥārat Zuwailah: Paris MS. Arabe, 1817, fol. 51a (ascribed to Ibn Zūlāk) وافرد لليهود حارة زويلة يسكنوا فيها ولا يحاطوا المسلمين. Cf. Ibn Iyās, *Ta'rikh Miṣr*, p. 51.

³ There were two Ḥārat al-Rūm. Al-Maḳrīzī (*Khitaṭ*, I, p. 311) calls them حارة الروم الجوانية and حارة الروم الآن, or simply الجوانية. The more common designation seems, however, to have been حارة الروم العليا (*Khitaṭ*, II, p. 4, near bottom; cf. Abū-l-Maḥāsīn, II, 416, and Evetts, *Churches of Egypt*, p. 2). The Ḥārat al-Rūm al-Sufi is the one intended here. Al-Maḳrīzī adds that it was destroyed by al-Ḥākim in the year 399 A. H.

⁴ Al-Maḳrīzī, *Khitaṭ*, II, p. 100 (cf. I, p. 361) "In olden times the gate

three or four very ancient pillars, and on each side of the Mihrāb an old door, now closed up. Near the entrance are a well and a pool. It is an ill-favoured building and not in frequent use. In olden times the original Bāb al-Zuwaitah, built by the Kā'id Jauhar, was quite near to this spot. The fact that one has to descend to reach the mosque is in itself peculiar; all the Egyptian mosques that I have seen must be reached by a flight of steps. The little building was known in former times as the "Mosque of Sām ibn Nūh" (i. e. Shem, son of Noah). At a later period its name was changed to that of "Ibn al-Bannā," after a learned Koran exegete attached to it as teacher, one Muḥammad ibn al-Bannā abu 'Abd Allāh al-Shāfa'ā, who died 591 A. H. (= 1195)¹. Al-Makrīzī has the tradition that it was formerly a Karaite synagogue. He says: "The Mosque of Ibn al-Bannā is within the gate Zuwaitah. It goes popularly by the name of Sām ibn Nūh. But this [ascription] must be a pure invention, without any basis; for, probably, Sām ibn Nūh never entered the land of Egypt. I have heard it said that this mosque was a synagogue of the Karaite Jews known by the name of Sām ibn Nūh, and that al-Ḥākim bi-Amr Allāh the Fatimide took possession of it when he destroyed the

Zuwaitah, which the Kā'id Jauhar built, was at the head (or beginning) of the Ḥārat al-Rūm, where to-day is an arch near to the mosque known as [that of] Sām ibn Nūh." See also Ravaisse, *Topographie du Caire*, II, p. 409. 'Alī Mubārak in *Al-Khiṭṭah al-Jadīdah* gives the location as follows: "The hospice (زَاوِيَة) of Sām ibn Nūh. The hospice is inside the Zuwaitah gate, near the Sabīl (fountain) of the 'Aḳḳādīn, which was built by Jamtakān al-'Azīz Muḥammad near its gate opposite the Sūḳ al-Katu in [the neighbourhood of] al-Mu'ayyid—as one goes from the Zuwaitah gate to al-Ashrafiyyah." In another place (I, p. 31) the same author speaks of it as the "Zāwiyat Sālim," which seems evidently to be an arabicizing mistake. "Thirteenth section: the Shāri' al-Manākhaliyyah and Sukkariyyah. It commences at the Zāwiyat Sālim, which is opposite the gate Sūḳ al-Mu'ayyid. It ends at the Bāb al-Mutawallī (i. e. Zuwaitah)."

¹ Abū-l-Maḥasin, II, 413, has in the text مسجد ابن النباه, but the correct reading is given in the Editor's MS. A.

synagogues, and turned it into a mosque." To which, Ali Mubarak Pasha, the painstaking author of the *Al-Khiṭṭah al-Jadīdah*, adds¹: "The Jews in Cairo, to-day, imagine that Sām ibn Nūḥ is buried here. Those of them who have turned Moslems swear by this mosque. I have this upon the authority of the Cadi of the Jews, Ibrāhīm ibn Faraj Allāh ibn 'Abd al-Kāfī al-Da'ūdī al-'Anātī." A careful examination seems to confirm the view of al-Maḥrizī and his tradition, whatever may be the origin of the tradition connecting the place with the patriarch Shem.

According to al-Kalkashandi, when the Jews were driven out of the Ḥārat al-Jaudariyyah, they moved further north into the Ḥārat Zuwailah (see below), in which, or near which, the following synagogues were situate:—

7. "Synagogue of the Karaites.—This synagogue is reached from opposite the Bāb Sirr al-Māristān al-Manṣūriyyah, in a *حدره*, to which one comes in the Ḥārat al-Zuwailah; but a postern that was there blocked the way, so that it could be reached only from the Ḥārat Zuwailah. It is a synagogue used exclusively by the community of Karaite Jews."

8. "Synagogue of the Dār al-Ḥadrah.—This synagogue is in the Ḥārat Zuwailah, in a street known to-day as the Darb al-Rā'id, and it is one of the synagogues²."

9. "Synagogue of the Rabbānīn.—This synagogue is in the Ḥārat Zuwailah in a street known to-day as Darb al-Banādīn. One comes from it opposite to al-Sab'a Kā'āt and the Suwaikat al-Mas'ūdī. It is a synagogue belonging exclusively to the Rabbinite Jews."

10. "Synagogue Ibn Shumaikh.—This synagogue is in the neighbourhood of the Madrasah al-Āshuriyyah³ in the Ḥārat al-Zuwailah. It is one of those used by the Karaites."

¹ Vol. VI, pp. 30, 46.

² On the margin at the bottom of p. 471: "مكننا ابيض بالامل" a vacant space in the original!

³ According to Muḥyī al-Dīn ibn 'Abd al-Thāhir (eighth century), the Madrasah was on property that formerly belonged to a Jew, the physician

Sambari says of it: "Synagogue of the Karaites. The road by which one went to it at that time was in a portion of the city called al-Khurunfush; from which one goes to the Hārah of the Karaites. It is called 'Synagogue of Ibn Zômēah¹'".

11. "Synagogue of the Samaritans.—This synagogue is in the Hārat al-Zuwaitah in the street Darb al-Kurānī. It belongs to the Samaritans². And all of the synagogues of Cairo just mentioned were built during the time of Islam, without any doubt."

To determine the position of these various synagogues would require a special investigation in each case. We are concerned only with No. 9, which is quite evidently the one referred to in the Hujjah. It is, in both cases, described in exactly the same manner. But the pronunciation of the name of the street in which it lay is not clear. In the Hujjah it might be read البنادير, البنادين or البنادين. Al-Makrizi has, in the printed edition³ البنادين. But, as the printing is in no manner reliable, I have, through the kindness of M. H. Guérin of the Bibliothèque Nationale in Paris, been able to consult MSS. Arabes, 1729-1730 and MSS. Arabes, 1731-1732 of the collection there. MS. 1730, fol. 28, v^o has البنادين; but MS. 1732, fol. 37, v^o البنادين. Al-Nabbādhin would mean "the street of the wine-sellers"; while al-Ban-nādin might signify "the street of the standard-sellers" or "the drapers." M. Casanova adopts the first reading, and he is right, though the name seems a misnomer in Mohammedan Cairo, and in none of the authorities does the word

Ibn Jamī, and in a lane entirely inhabited by Jews. *Khiṭaṭ*, II, p. 368: كانت دار اليهودى ابن جميع الطبيب وكان يكتب لقراتوش واشترتها منه الست عاشوراء بنت ساروح الأسد زوجة الأمير إيازكوح الأسدي ووقفتها على الخنفية... فانها في زقاق لا يسكنه الا اليهود ومن يقرب منهم في النسب

¹ l. c., I, p. 136: של הקראים הדרך אשר ילכו בה באחזי הזמן הזה בסודו הנקרא: היום אלכורניש והולכים לחרות (לחרות read) של קראים ומכין אותה כניסה; וסודו (Paris MS. צוסיח).

² Cf. Menahem of Volterra in Luncz, *Jerusalem*, I, p. 185.

³ II, pp. 41, 471.

occur written with a *dhāl*. In regard to the street al-Bannādin al-Makrizī says: "The street al-Bannādin is in the Ḥārat al-Rūm. It is called al-Bannādin from the many bands of soldiers [that lived there] during the Faṭimide dynasty. Afterwards it went by the name of 'Darb al-Amīr Jāūdār' i.e. the Amīr 'Ilm al-Dīn Sanjar al-Sāliḥī, known as Amīr Jāūdār." This cannot, therefore, be the street referred to. The reading "Nabbādhin" is curiously substantiated by Sambari, who, according to the Paris MS. (Library of the All. Isr. Univ. H. 133 A. fol. 68a = ed. Neubauer, p. 137), describes the Musta'arrab Synagogue as being: במחוז הנקרא אל סבע קאעת וכנסן במחוז אחר הנקרא צרב אל נבאדן ואנו מכנין אותו דיוס צרב אל כנים אל מסחערב.

In order fully to understand where the synagogue lay, it is necessary to look at the present Jewish quarter of Cairo, which lies in the heart of the old city. It is, in a general way, an irregular square, bounded on the north by the Shāri' al-Khurunfush, on the south by the Rond Point du Mouski and the Rue Neuve (al-Sikkah al-Jadidah), on the east by the Shāri' Bain al-Surain, and on the west by the Shāri' al-Ṣarrāfiyyah. Out of this the north-west corner—the present Ḥārat Zuwailah—must be excluded, as no Jews live there.

I have gone to the trouble of noting down each street within and around this area, as well as the synagogues which it contains. The numbers correspond to those upon the accompanying plan¹ :—

¹ The peculiar enumeration is due to the fact that I have endeavoured to keep as far as possible the original numbers inserted in the map by the Survey Department. Only a few of the principal streets had been noted, and one number often covered a number of streets. The painstaking topographical studies of the French Expedition resulted in a series of lists which will be found in vol. XVIII of their *Description de l'Égypte*, Paris, 1829. On p. 196 there is an enumeration of the streets and limits of the Jewish quarter, which I have copied in Appendix II. And, finally, the minute study of 'Alī Mubārak Pasha in his *Al-Khiṣṣah al-Jadidah* (Bulak, 1888) gives a good deal of information about things as he found them. I have, therefore, given a translation of the passages concerned in Appendix III.

514 السكة الجديدة Al-Sikkah al-Jadidah.

816 شارع مكسر المشاب Shāri' Mukassir al-Hashāb; entrance
10 { from the Mouski: the street goes around the Darb al-
Ṣaḳālibah (741) up to the Darb al-Kuttāb (744).

1. درب السبيل Darb al-Sabīl.

2. درب سوق الفراخ Darb Sūḳ al-Farākh.

3. درب الجلبى Darb al-Tchelebī.

4. درب المبالط Darb al-Muballaṭ.

5 (and 744 a). درب الكتاب Darb al-Kuttāb.

6. SYNAGOGUE Ṭurkiyyah in the Ḥārat Ṣaḳālibah.

7. عطفة قاعة الفقة 'Aṭfat Kā'āt al-Fuddah.

9. درب الدورة Darb al-Dūrah.

11. درب قفیب Darb Qaḍīb.

12. عطفة القطاوى 'Aṭfat al-Qaṭṭāwī.

13. درب محمود Darb Maḥmūd, in which is the SYNAGOGUE of Maimonides.

14. عطفة الاسبتالية 'Aṭfat al-Isbitāliyyah, in which is the "Pharmacie Israelite de Bienfaisance."

15. درب الخمسانى Darb al-Khumuṣṣānī, in which is the SYNAGOGUE Talmud Torah.

16. درب الدقان Darb al-Dahhān, in which is the SYNAGOGUE of R. Jacob Abu Sha'rah.

17. درب النصير Darb al-Naṣīr; in the 'Aṭfat R. Ḥayyīm is the SYNAGOGUE of R. Ḥayyīm Capūsī.

18. Continuation of No. 2. شارع سوق الفراخ Shāri' Sūḳ al-Farākh.

19. عطفة اليهود القرائين 'Aṭfat al-Yahūd al-Qarrā'in; where the quarter of the Karaites commences.

20. عطفة زمردة 'Aṭfat Zumuruddah.

21. عطفة الدباج 'Aṭfat al-Dabbāh.

22. عطفة المصفى 'Aṭfat al-Muṣaffī.

23. درب العطار Darb al-'Aṭṭār.

24. عطفة القلعية 'Aṭfat al-Kal'ayah.

25. عطفة غالى 'Aṭfat Ghālī.

26. درب كنيسة اليهود Darb Kanīsat al-Yahūd.

27. عطفة الكنيسة 'Aṭfat al-Kanīṣah, in which is the Karaite SYNAGOGUE.

28. Continuation of No. 26.

29. Rabbinate and School of the Karaite community.

30. عطفة جوهرة 'Aṭfat Jauharah.

31 and 33. شارع سوق السمك Shāri' Sūḵ al-Samak } N. limit of
32. حارة خميس العَدَس Harat Khamīs al-'Adas } Karaite Quarter.

34. شارع الخرنفش Shāri' al-Khurunfush.

35. حارة زويلة Hārat Zuwailah.

35 a. Entrance to the Hārat Zuwailah from the Shāri' }
Bēn al-Ṣurēn }

36. Two churches

37. عطفة سُحَيْرَة 'Aṭfat Shuhairah

38. عطفة عبد القدوس 'Aṭfat 'Abd al-Qudūs

39. عطفة العشماوى 'Aṭfat al-Ashmāwī

40. Continuation of Nos. 2 and 18. شارع سوق الفراخ Shāri' Sūḵ al-Farākh.

41. حوش الموف Hūsh al-Ṣūf, a three-cornered courtyard in which is the Radbaz SYNAGOGUE. At the end is Khūsh Ya'beḡ.

42. درب المصريين Darb al-Miṣriyyīn.

43. Continuation of Nos. 2, 18, and 40.

44. شارع سوق الصيارف الصغير Shāri' Sūḵ al-Ṣayārif al-Ṣaghīr (very small).

45. شارع المقاصيصا Shāri' al-Maḳāṣiṣā.

46. شارع الخردجية Shāri' al-Khurdajiyyah.

47. شارع النحاسين Shāri' al-Naḥḥāsīn.

48. شارع الخرنفش Shāri' al-Khurunfush.

49. شارع سوق الصيارف الكبير Shāri' Sūḵ al-Ṣayārif al-Kabīr.

225. حارة الروم Hārat al-Rūm.

238. شارع الاشرفية Shāri' al-Ashrafiyyah.

285 a. شارع السُكْرِيَّة Shāri' al-Sukariyyah.

285 b. شارع العقادين Shāri' al-'Aḳḳādīn.

285 c. شارع الغورية Shāri' al-Ghūriyyah.

285 d. شارع الاشرفية Shāri' al-Ashrafiyyah.

Hārat
Zuwailah.

321. سَكَّةُ الْخُرْنَفُشِ Sikkat al-Khurnafush.
 514. السَّكَّةُ الْجَدِيدَةُ Al-Sikkah al-Jadidah.
 657. درب البرابرا Darb al-Barābarā, in which is the Ashkenazic SYNAGOGUE.
 573. شارع تحت الربا Shāri' Taht al-Ribā.
 675. حارة الفحامين Hārat al-Fahhāmīn.
 693. حارة حوش حينة Hārat Khūsh Hīnah.
 733. شارع الجامع Shāri' al-Jāmi'.
 734. درب المصريين Darb al-Miṣriyyīn, in which is the SYNAGOGUE of the Egyptians.
 737. سَكَّةُ الصَّرَافِيَّةِ Sikkat al-Ṣarrāfiyyah.
 741. درب العقالية Darb al-Ṣaḡālībāh.
 742. شارع الصَّرَافِيَّةِ Shāri' al-Ṣarrāfiyyah.
 743. زقاق المستوقد Zuḡāḡ al-Mustauḡad.
 744. شارع قاعة الفقة Shāri' Kā'āt al-Fuḍḍah, in which is No. 6 SYNAGOGUE of the Portuguese.
 753. حارة السبع قاعة القليّة Hārat al-Sab' Kā'āt al-Kibliyyah, which leads into No. 900.
 755. شارع بين الصورين Shāri' Bain al-Ṣūrain.
 757. شارع السبع قاعة Shāri' al-Sab' Kā'āt.
 788. حارة الشوشيني Hārat al-Shūshinī.
 816. شارع السبع قاعة البحرية Shāri' al-Sab' Kā'āt al-Baḥriyyah.
 818. عطفة البروقية 'Aṭfat al-Barḡūkiyyah.
 819. حارة حوش عيسى Hārat Hūsh 'Isā.
 900. شارع سوق السمك القديم Shāri' Sūḡ al-Samak al-Ḳadīm.
 901. شارع خان ابو طقية Shāri' Khān Abī Ṭaḡiyyah.
 A. Mosque of al-Mu'ayyid.
 B. Mosque of Sām ibn Nūh.
 C. Bāb Zuwailah.
 D. Rabbinate of the Rabbinite Jews.
 E. Cattani School and SYNAGOGUE of R. Ishmael Ṭarogi.
 F. SYNAGOGUE of Ba'al ha-Nēs.
 G. Jewish Hospital, closed by sanitary inspectors.
 H. Remains of gate which closed in the Jewish quarter.
 S. Synagogue of the Ashkenazic Jews.

The synagogues at present in Cairo are the following¹:—

1. ק"ק למצריין Synagogue of the Egyptian Jews in the Darb al-Misriyyin (No. 734). The present building is about forty-five years old².
2. ק"ק טורקיה the Turkish Synagogue in the Hārat al-Ṣakālibah, a part of the Shāri' Kā'at al-Fuddah (No. 744). It is so called because it was built by a Spanish woman that came from Constantinople.
3. ק"ק רמב"ם Rambam Synagogue in the 'Atfat al-Ḥammām (so called after the Ḥammām al-Yahūd there), a part of the Darb Maḥmūd (No. 13)³.
4. ק"ק הרר"בו Synagogue of David ibn Abi Zimra, in the Hūsh al-Ṣūf (No. 41).
5. ק"ק רב חיים במסי Synagogue of Rab Ḥayyim Capūsi (who died in 1631, and whose grave in the Hūsh Menasche of

¹ The list was made out for me by the Ḥakam Bashi, Raphael A. Bensimon. In the Jewish quarter they are ten in number, and a favourite oath is
 بحياة عشر الكنائس.

² I suggest that this is the synagogue of the Musta'arrab Jews (i. e. Arabic = native Egyptian Jews) mentioned by Sambari, l. c., p. 119, in which the so-called Sunbāṭi Bible Codex was found. It is not there to-day. On p. 137 he says (according to the text of the Paris MS.; see above): "the synagogue in which we, together with the Palestinian (or Syrian) Jews, pray to-day is in the Hārat Zuwaylah, the road to which, at that time, was in a district called al-Sab' Kā'at, from which one passed into another district called Darb al-Nabbādhīn; to-day we call it Darb al-Kanīs al-Musta'arrab." It seems that, at the time of Radbaz (1527), there was only one synagogue in Cairo that was in general use among the Rabbanites, that of the Musta'arrabīm. It was also used by the Jews from Morocco and Tunis, &c., the Ma'arabīm (= Mughrabīm); though each community had its own officers, precentor and beadle (l. c., p. 157). This synagogue was closed in 1545 on account of the differences that had arisen between the leaders of the Sefardim and the Karaites. Then it was destroyed; but not wholly, the balustrades (רבוטס) alone having suffered. It was reopened by Ibrahim Pasha in the year 1594 at the instance of R. Eleazar Scandari and R. Jacob ibn Ḥayyim.

³ This is the synagogue called by Sambari (l. c., p. 134) "Synagogue of the Mughrabi Congregation." Speaking of Maimonides, he says: בית המדרש של בני הכנסת הקדומה היה נכחד של ק"ק מטרבה . . . ועוד היום מקום כבודו מצוי בבית הכנסת של ק"ק מטרבה. This is the little underground "hospital" attached to the synagogue.

YIN

KAT

LL

the Basātin cemetery is reverently oiled and worshipped), in the 'Aṭfat R. Ḥayyīm, a part of the Darb al-Naṣīr (No. 17).

6. יעקב אבושערה ק"ק Synagogue of R. Jacob Abu-Sha'rah¹ in the Darb al-Dabbān (No. 16). The older synagogue is under the ground and next to the present building.
7. תלמוד תורה ק"ק Synagogue Talmud Torah in the Darb al-Ḥumūṣṣānī (No. 15).
8. פורטוגיזים ק"ק Synagogue of the Portuguese, in the Ḥarat al-Fuḍḍah, a part of the Darb al-Kuttāb (No. 744).
9. בעל הנס ק"ק Synagogue of the Ba'al ha-Nēs, in the Darb al-Ṣakālibah (No. 741. F.)².
10. Karaite Synagogue in the 'Aṭfat al-Kanīṣah (No. 27).
- [11. Ashkenazic Synagogue in the Darb al-Barābarā (No. 657. S.) in the Rosetti quarter of the city.
12. עץ חיים ק"ק Synagogue 'Eṣ Ḥayyīm in the 'Abbāsiyyah.
13. New Synagogue in the 'Abbāsiyyah quarter: unnamed.
14. שער השמים ק"ק Synagogue Sha'ar ha-Shāmayim, the new large synagogue in the Isma'iliyyah quarter.]

Is it possible to identify the synagogue mentioned in the *Hujjah* and in al-Maḥrizī with any of the foregoing? The "Darb al-Nabbādhīn" does not exist to-day. But its position may be approximately fixed by the additional information given that it was in the Ḥarat Zuwailah, and in close proximity to the "Saba' Kā'āt" and the "Suwaikat al-Mas'ūdī." The district Zuwailah³ had its name from

¹ Sambari, l. c., p. 162, &c.

² The story connected with this synagogue I have told elsewhere. It is impossible to say who this בעל הנס is. Moses of Damwah is so called (Sambari, l. c., p. 160), as is also Samuel ibn Sid (id., p. 162). At the time of Sambari there was a (private?) synagogue in the possession of this Samuel ibn Sid or Sidillo, סידיליו ק"ק (id., p. 145), which in another place (pp. 157, 162) appears as סביליא ק"ק, resulting from a confusion with "Seville." Samuel ibn Sid came from Spain to Cairo, c. 1492, and was instrumental in saving the Jews at the time of the Aḥmad Pasha revolt (1524).

³ This is the usual pronunciation. H. C. Kay, *Al Kāhira and its Gates*, in *J.R.A.S.*, N.S., vol. XIV, p. 235, pronounces Zawīlah, probably following

a Berber tribe that occupied one of the suburbs of al-Mahdiyyah in Tunis and sent a contingent of troops to the Kā'id Jauhar. These soldiers were quartered in the south-east part of the new city. A twin gate formed the southern entrance into the city "by the oratory called Mesgid Sām ibn Nūh; and when Moizz came to El Kahirah, he entered by one of them, that which is adjoining the oratory, and of which the arch is still remaining and known by the name of Bāb el Kōs¹." The present Bāb Zuwailah² is further to the south; and was built at the same time as the second wall of Cairo by Badr al-Jamālī in 1087. The Hārat al-Kūm was originally outside the city.

There is, at present, a Hārat Zuwailah just north-west of the Jewish quarter (Nos. 35 a, 36, 37, 38, 39); or, rather, in the north-west corner of the irregular square mentioned as containing this quarter. One enters it (No. 35 a) from the Shārī' Bain al-Surain. It contains a collection of the narrowest possible streets, which are now almost exclu-

Yākūt (see *Zubdat Kashf al-Mamālik*, ed. Ravaisse, 1894, p. 29). In the copy of the Cairo Megillah, now in the possession of Mr. Schialom Levy, of Cairo, it is said that the head of Aḥmad Pasha was put up על ראש המלך. The Megillah was copied some 67 years ago by Mr. Levy's father from certain fragments which were afterwards thrown into the Genizah, and which are now probably in Cambridge. It is curious to note that the mistake is an old one. Sambari (l. c., p. 145) has the same reading, which is probably due to the tradition that the Banu Zuwailah "were descendants of Hāwīlah ibn Kush ibn Ḥām ibn Nūh," al-Kāḷkashandi, I, 223.

¹ Lane, *Cairo Fifty Years Ago*, 1896, p. 40. al-Makrizī, *Khīṭāṭ*, I, p. 380; Abū-l-Mahāsīn, II, p. 423; Paul Ravaisse, *Essai sur l'histoire du Caire*, p. 423; *Topographie du Caire*, II, p. 4.

² In 1416 the Sultan al-Mu'ayyid (after whom the mosque near by is named) put on the minarets; Kay, l. c., p. 237. It is sometimes called "Bāb al-Mutawallī" (or Butawallī), because the last independent ruler of Egypt, Tuman Bey, who was hanged there by the Sultan Salīm in 1516 was only "préposé aux commandements" (متولي). It is more rarely called Bāb al-Sukkariyyah on account of the street into which it leads. See al-Kāḷkashandi, tr. Wüstenfeld, p. 69; al-Makrizī, *Khīṭāṭ*, I, p. 380; Ibn Iyās, Index, p. 140; Yakub Artin Pasha in *Bulletin of the Inst. Egypt*, 1883, p. 148; Van Berchem, *Corpus*, p. 62.

sively inhabited by Copts. It comprises the streets Ḥārat Zuwailah, the two old churches (one Coptic, the other Armenian), the 'Aṭfat Shuḥairah, the 'Aṭfat 'Abd al-Ḳudūs, and the 'Aṭfat al-Ashmāwī. There is, at present, no outlet to the south; though there was one formerly into the Dār in which is the present Karaite synagogue.

The present Ḥārat Zuwailah is, of course, too small to fit in with the data given us by the topographers. In former times it was much larger, and reached a good deal further south—how far originally we cannot tell. In al-Makrīzī's time already it had been pushed northward. "Ḥārat Zuwailah is a big quarter," he says¹; "between it and Bāb Zuwailah there are many quarters." At his time, and certainly at the time of our Ḥujjah, it must have comprised what is practically the whole of the present Jewish quarter, together with the Ḥārat al-Ṣakālibah; and the "head of the Ḥārah," or its commencement would have been nearer the Shāri' Sūḵ al-Ṣayārīf al-Kabīr (No. 49), the present second entrance to the quarter. The "Sab' Kā'āt" or "Seven Courts" can approximately be determined, as the name has persisted up to the present day². The Ḥārat al-Sab' Kā'āt al-Kibliyyah (southern) lies on the other side of the Rue Neuve (No. 753). On the right-hand side it connects with the Shāri' Sūḵ al-Samak al-Ḳadīm (No. 900); on the left, it crosses the Rue Neuve and turns to the east as the Shāri' al-Sab' Kā'āt al-Baḥriyyah (No. 816) or "western." In general, then, the "Seven Courts" lay south-east of the Ḥārat Zuwailah.

Where the Suwaikat al-Mas'ūdī was I am unable to determine. Al-Makrīzī speaks of it as a lane that "leads from the Ḥārat Zuwailah to the Darb al-Ṣakālibah; the

¹ *Khīṭaṭ*, II, p. 4.

² See Ravaisse, *Essai sur l'histoire du Caire*, p. 89; Casanova, *Hist. et Descript. de la Citadelle du Caire*, p. 64. Al-Makrīzī (*Khīṭaṭ*, I, 59) has an account of the Sab' Kā'āt as Dār. "The Saba Kaat is a quarter in which the principal Khans of Cairo are situated, and in which wealthy Moghrebbins reside. In the so-called seven saloons are the warehouses of the principal wholesale dealers, &c." Patton, *Hist. of the Egyptian Revolution*, II, 309; cf. I, 78.

first part of which [lane] was known by the name of the powerful Kā'id Mas'ūd al-Mustansir. Then it was called after Kaukab al-Daulah ibn al-Ḥanākī." Does he, perhaps, refer to the lower portion of the Shāri' Sūk al-Farākh? M. Casanova, however, identifies it with the present Shāri' al-Sab' Kā'āt al-Bahriyyah—with what reason I cannot see.

The neighbourhood in which the search must be made is, however, plain: near the present second entrance into the Jewish quarter. Here there are two synagogues: the synagogue of David ibn Abī Zimra in the Hūsh al-Sūf (No. 41) and the synagogue of the Egyptian Jews in the Darb al-Miṣriyyīn (No. 734). M. Casanova has decided that the first is the one referred to. Against this there are two considerations. The synagogue that bears the name of the distinguished Talmudic authority (who died in 1589) was, possibly, a synagogue founded by him or in his honour; and therefore much later than the time of our Hujjah. The Darb al-Nabbādhīn is spoken of as being opposite to the Sab' Kā'āt, or as leading into one opposite to it. It is more than likely that this is the Darb al-Miṣriyyīn, and it is possible that in former times there was direct passage from it into the Sab' Kā'āt. The "Synagogue of the Egyptian Jews" would evidently be the chief synagogue of the quarter, and more likely than any other to have preserved its original position. I would, therefore, suggest that it is on the spot where the "Synagogue of the Rabbinite Jews" was of old.

APPENDIX I.

Streets in the Jews' quarter according to the *Description de l'Égypte*, Paris, 1829, p. 196.

حارة اليهود

سبيل عبد الرحمن كينهيية Sabil 'Abd al-Rahmān Kīnhiyyah.

درب المصريين Darb al-Miṣriyyīn.

جامع الجيعانيين	Jāmi' al-Jai'āniyīn.
المقصيص	Al-Maqaṣiṣ.
حوش الصوف	Hūsh al-Ṣūf.
حوش البشلومة	Hūsh al-Bashlūmah.
سبيل عبد القادر	Sabīl 'Abd al-Kādir.
حارة الصقالبة	Hārat al-Ṣakālibah.
درب الدهان	Darb al-Duhhān.
جامع بوكت قُرْمَيْت	Jāmi' Būkt Qurumait.
حارة القرائين	Hārat al-Qarrā'in.
درب المصير	Darb al-Muṣīr.
عطلة الفرن	'Aṭfat al-Furn.
درب الحُمَصَانِي	Darb al-Humuṣṣānī.
عطلة الذمبي	'Aṭfat al-Dhahabī.
عطلة الجنينة	'Aṭfat al-Janīnah.
درب القديم	Darb al-Qadīm.
درب الجزيرة	Darb al-Jazīrah.
درب المطبخ	Darb al-Maṭbakh.
درب المغاربة	Darb al-Maghāribah.
عطلة الجبالية	'Aṭfat al-Jabāliyah.
عطلة الخمارة	'Aṭfat al-Khamārah.

Limite du quartier juif

[سكة الخرنفش] [Sikkat al-Khurunfush.]

To this must be added, on p. 202,

بين الصورين	Bain al-Ṣūrain.
قاعة الفقة	Kā'at al-Fuḍḍah.
درب الفورة	Darb al-Dūrah.
وكالة اليانسون	Wakālat al-Yānisūn.
وكالة العاجاتين	Wakālat al-'Ājātīn.
حمام اليهود	Hammām al-Yahūd.
حارة زويلة	Hārat Zuwailah.

APPENDIX II.

Account of the streets forming the Jewish quarter of Cairo, from 'Alī Mubarak Pasha's *al-Khiṭṭah al-Jadidah*, vol. III, p. 5.

"Shāri' Bain al-Ṣurain. On its left side is a Ḥārah, known as Ḥārat Zuwailah. It is a very large Ḥārah in which are byways and Ḥārahs in the following order:—On the right side, the 'Aṭfat al-Kanīṣah; the 'Aṭfat al-Adawī; and the 'Aṭfat al-Ashmāwī. On the left are the Ḥārat Amin Kāshif, by means of which one reaches to the Ḥārat Nakhlat al-Karāji. Inside [of the Ḥārah] is a street known as the Darb al-Bi'r; then a small byway, and then the Ḥārat Nakhlat al-Karāji. This Ḥārat Zuwailah is one of the oldest Ḥārahs, of which al-Maḥrizī speaks as follows:—
 In describing the Māristān al-Manṣūrī, he says, 'it reaches from the Bāb Sirr al-Māristān to the Khurunfush and to the Bāb al-Kāfurī and to the Ḥārat Zuwailah.' Then he says 'that one who goes from the Bāb al-Khurunfush comes to the Ḥārat Barjawān [and] to the Ḥārat Zuwailah.' It results from all this that the Ḥārat Zuwailah, known to-day by this name, is only a small part of the old Ḥārah mentioned in the *Khiṭṭah*, and that this Ḥārah is not equal to that mentioned by al-Maḥrizī. After examination and reflection it appears that the Ḥārat Zuwailah originally included the Ḥārat al-Yahūd al-Rabbānīn, to which one comes through the Sūḳ al-Sayyārīfah: the Ḥārat al-Yahūd al-Ḳarrā'in, to which one comes through the Khuṭṭ al-Khurunfush near the Bāb Sūḳ al-Samak, and through the Shāri' Khamīs al-'Adas from a new road which was originally a well-known bifurcation—Warshat Khamīs al-'Adas; and the Darb al-Ṣaḳālibah, to which one came through a lane on its left which leads from the Shāri' al-Sikkah al-Jadidah about the place where is the Kanṭarat (Bridge) al-Muskī. These four Ḥārahs¹ are contiguous; except that the Ḥārat al-Yahūd al-Rabbānīn was separated from the Ḥārat Zuwailah by a mill and a small dwelling near it. In the year 1290 A. H. the mill was taken and turned into a hospital for the sick poor of the Jews. At present there is no gate to the Ḥārat Zuwailah; which is called by the Jews

¹ i. e. counting in the Ḥārat Zuwailah.

'Christian quarter,' because a large number of Copts live there, and because they have a well-known church there called the Coptic Church.

"From all that we have recorded, it results that the old Ḥārat Zuwailah is [now] divided into four Ḥārahs (quarters): the present Ḥārat Zuwailah, the Ḥārah of the Karaite Jews, the Ḥārah of the Rabbanite Jews and the Darb al-Ṣaḳālibah. The greater part of this is called the 'Jews' Ḥārah,' though each [Ḥārah] has its own gate in a district far from the other¹. The interior [however], is almost one Ḥārah. The Jews have occupied these districts from of old Al-Makrizī mentions the following streets in the Ḥārat Zuwailah: Darb Muḥallas, known as Darb al-Rābid; Darb al-Washāḳi; Darb al-Kaḳī, called Darb Ḥallīlah; and Darb al-Ṣaḳālibah. On account of the change of name and situation, none of these streets can now be identified, with the exception of the Darb al-Ṣaḳālibah, which is still known by this name. Of the lanes, he mentions Zuḳāk al-Kābilah, and says that at his time there was in it a synagogue of the Jews². Near to it is a street known as Zuḳāk al-'Asal, then as Zuḳāk al-Ma'ṣarah, then as Zuḳāk al-Kanīṣah³."

Vol. III, p. 38:—"Shāri' Ḥārat al-Yahūd al-Ḳarrā'in, commences at the Shāri' Khamīs al-'Adas and ends at the Shāri' al-Duhhān. Its length is 340 metres. On the right-hand side is a street known as Darb al-Kanīṣah, in which are two synagogues, one near to the other; then a small blind alley known as the 'Aṭfat al-Sidd; Darb al-Ṭabbākh, a large street in which is a synagogue known as the Synagogue of the Darb al-Ṭabbākh, in the middle of which [street] is a bath known as the Bath of the Ḥārat al-Yahūd⁴, which is one of the old baths called by al-Makrizī Hammām al-Kuwaik: 'This bath is in a space between the Ḥārat Zuwailah and the street Shams al-Daulah, built by the Wazīr 'Abbās, a Wazīr of the Faṭimide dynasty, for his Dār, which was where

¹ These gates exist no longer.

² This synagogue is not mentioned in the list of al-Makrizī.

³ "Synagogue Lane."

⁴ P. 28. "As regards the Zuwailah well, it seems best to identify it with the well now to be found in the Hammām of the Ḥārat al-Yahūd in the middle of the Darb al-Ṭabbākh, one of the roads in the Ḥārat al-Yahūd al-Ḳarrā'in."

to-day is the street Shams al-Daulah. Then a merchant, Nūr al-Din 'Alī ibn Muḥammad ibn Aḥmad ibn Maḥmūd ibn al-Kuwaik al-Rabī' al-Tukritī, rebuilt it in the year 749 [A. H.] and it was called after him¹. Then the Amir 'Uthmān Kathada, head of the Jāmi' al-Kaihiyā restored it together with the bath near by. After the year 1230 [A. H.] it went over into private hands It is used to this day, but only for women. It has no tubes; only pipes with taps. In it is a very big well After the Darb al-Ṭabbākh comes a byway, 'Aṭfat Baṭīkhah. On the left is the Darb al-Furn; then the 'Aṭfat al-Bī'r. One who walks through this street reaches the Shāri' al-Ṣakālibah, the Shāri' al-Makāṣiṣ and the Shāri' Sūḳ al-Samak al-Qadīm. He can go through it, also, to the Shāri' al-Duhhān, the Shāri' al-Dūrah and the Sikkat al-Jadidah, from which he can turn in all directions.

"The Shāri' al-Ṣakālibah begins at the end of the Shāri' Khān Abī Ṭaḥiyyah (No. 901) and reaches the Ḥarat Mukassar al-Ḥaṭab² (No. 10), near to the Jāmi' al-Maghāribah. Its length is 350 metres. On the right-hand side are three blind alleys: one called the 'Aṭfat al-Miṣriyyīn (No. 734) in the middle of which is a synagogue. This is the street called al-Ṣakālibah by al-Makrizī, who says '. One reaches this street by a lane through which one comes from the Ḥarat Zuwaitah, the first part of which is called after the Kā'id Mas'ūd al-Mustanṣir, then after Kaukab al-Daulah al-Ḥanākī.'

"The Shāri' al-Dahhān commences at the end of the Shāri' al-Ṣakālibah and finishes at the Shāri' al-Ḥumuṣṣānī. It is eighty-six metres long: on the right side are three blind alleys in this order: 'Aṭfat Ḥūsh al-Ṣūf (No. 41), in which is a synagogue; al-'Aṭfah al-Sughairah; 'Aṭfat Darb Naṣir (No. 17), in which is a synagogue. On the left is the Darb al-Dahhān (No. 16), in which are two synagogues near to one another³."

¹ Is this the Ḥammām al-Yahūd in the street in which is the Rambam synagogue? The Darb Maḥmūd (No. 13) has, at present, no connexion with the Karaite quarter; but it may formerly have had. Then it would get its name from the same al-Kawaik who was "ibn Maḥmūd."

² At present "al-Khashab," with the same meaning.

³ It will be seen that 'Alī Mubārak gives the name "Shāri' al-Dahhān" to Nos. 41, 18, 15, and 16. The two synagogues in No. 16 must be those of R. Ishmael and of R. Jacob,

P. 39:—"The Shāri' al-Dūrah commences where the Shāri' al-Ḥumussāni and the Darb al-Ṭabbākh end and finishes at the Darb al-Muballaṭ. At the right-hand side are the 'Aṭfat al-Fuḍḍah, so called because of a large workshop at the end of it, known as the Kā'at al-Fuḍḍah (No. 7), which Mohammad 'Alī Pasha got possession of¹. . . . This court exists to-day at the end of the 'Aṭfat al-Fuḍḍah, only it is waste, and near it is the synagogue of the Karaite Jews². On the left side are the Darb al-Madāris and the 'Aṭfat al-Kanīṣah, in which is a synagogue of the Rabbinite Jews.

"The street Darb al-Muballaṭ commences at the end of the Shāri' al-Dūrah, opposite the 'Aṭfat al-Dūrah, and ends at the Shāri' al-Ṣakālibah. On the left-hand side is a blind street known as the Darb al-Kattān in which is a synagogue³.

"The Shāri' Sūk al-Samak al-Kāḍim commences at the Shāri' Khān Abī Ṭakīyyah (No. 901) and the Shāri' al-Ṣakālibah and reaches to the Shāri' al-Bundaḡāniyyin . . . It is crossed by the street at the Sikkah al-Jadīdah On the left-hand side are two alleys, and at the end is the Hārat al-Sab' Kā'at, which was originally a Dār of the Wazīr Ibn al-Dīn ibn Zanbūr and was so known."

APPENDIX III.

Extracts from Abū al-'Abbās Aḥmad ibn 'Alī al-Kalkashandi, *مصحح الأعشى في الإنشاء*; MS. Khedivial Library, Cairo.

a. Part 3. On the officers of the Jews.

الطائفة الثانية اليهود والمشهور من القاب ارباب وطاتهم ثلاثة القاب الاول الرئيس وهو القائم فيهم مقام البطرك في النصارى وقد تقدم الكلام على لفظ . . .

¹ It afterwards passed into the possession of the state, and then into that of Messrs. al-Kassān and Jacob Bey Cattauī.

² The names of the streets must have greatly changed; or, rather, have been shifted. The present Karaite synagogue is quite differently situated. The Shāri' al-Dūrah is probably represented on the map by Nos. 9 and 744.

³ Evidently in former times the name al-Muballaṭ was given to Nos. 4, 744 a, and its continuation. Does he refer here to the Turkiyyah synagogue?

الثانى الحزبان بحاء مهملة وزاى معجمة مشددة وبعد الالف نون وهو فيهم بمثابة الحظيبي يصعد المنبر ويعظهم . الثالث الشليحصبور بكسر الشين المعجمة واللام وفتح الياء المشناة تحت وبعدما حاء مهملة ساكنة ثم صاد مهملة مفتوحة وباء موحدة مشددة مضمومة بعدها راء مهملة وهو الامام الذى يعلو بهم .

b. Part 6. On the Commission to the Ra'is al-Yahūd.

الضرب السادس من ارباب الوظائف بالديار المصرية . زعماء اهل الذمة ويكتب لجميعهم توقييع فى قطع الثلث بألقابهم السابقة مفتوحة بأما بعد حمد الله ويشتمل هذا الضرب على ثلاث وظائف . الوظيفة الاولى رئاسة اليهود وموضوعها التحدث على جماعة اليهود والحكم عليهم والقفا بينهم على مقتضى دينهم وغير ذلك . وقد تقدّم فى الكلام على النحل والملل ان الموجودين من اليهود ثلاث طوائف وهم الربانيون والقرايون والسامرة وقد جرت العادة ان يكون الرئيس من طائفة الربانيين دون غيرهم وهو يحكم على الطوائف الثلاث .

c. Form of the Firman.

وهذه نسخة توقيع براسة اليهود من انشاء القاضى محبى الدين ابن عبد الظاهر وهى¹ . اما بعد حمد الله الذى جعل الطاف هذه الدولة القاهرة تصطفى لذمتها من اليهود رئيسا فرئيسا وتختار لقومه كما اختار من قومه موسى وتبجح لهم نفوسا كلما قدمت عليهم نفيسا والصلاة على سيدنا محمد النبى الامى والرسول الذى اجمل الوصية بالمللى والذى صلى الله عليه وعلى آله وصحبه ما هطل وبلى وما نزل وسى . فان معدلة هذه الدولة تكتنف الملل والنحل بالاحتياط وتعتمهم من انصافها واسعافها باوفر الانصبا واوفى الاقتساط وتلهم (?) من حادث الزمن اذا اشتط ومن صرفها اذا اشاط ويفصمهم كما فصمت النبوة الى جناح النبوة الاسباط . لا يزال يرقب الآل والذمة فى المسلمين والذمة ويقضى لهم بحسن الجزة ورعاية الحرمه ويتبعهم من امر دينهم ما عليه عهودوا وتعهم من ذلك ما عليه عوقدوا وتحفظ نواميسهم باخبار تحمل مرادهم اذا شوفوها وتحسن مرآهم اذا شوهدها من كل اسرائيلى احمل التوراة الدراسة واحسن لاسفار انبيائه اقتباسه واجمل التماسه ومن نهفته نباهته للتقدمة فما طعم

¹ Muḥyī al-Dīn ibn 'Abd al-Thāhīr lived in the eighth century A. H.

اجتهاده يوما حتى صار وجه الواجهة في قومه وراس الرئاسة فاصبح معدم النظر
معدودا منهم بكثير وموصوفا بأنه في شرح اسفار عبرانية حسنة التفسير واستحق
من بين شيعته ان يكون راس الكهنة وبان تصبح القلوب في مجامعهم
بحسن منطقة مرتبهة وبان للجهالة بتثقيفه لسعيه نجحت عقائدهم عن ان
تعدو ممتهنة . ولما كان فلان هو بحاسن هذا التفريط مبهجة ولجسد هذا
التفويض ملهجة ولما داح هذا الثناء العريض لهجة ولعين هذا التعيين غمضا
وليد هذه الايادى بسطها وقبضا ولا بكار افكار هذه الاوصاف متقاضيا ونقضها
ومن اديننت قطاف النعما ليد تقدمته على محيط من غشى منها واجتنى
غمضا اقتضى حسن الراى الشريف ان يميز على ابناء جنسه حق التمييز وان
يحازله من التنوية والتنويل اجل ما جيز ورسم بالامر الشريف لا زال مغيار
فيحتمل الاختبار ويدو كالغيث الذى يعم بنفحة الربى والازهار والاثمار والاشجار
ان يغوض اليه رئاسة اليهود على اختلافهم من الرنايين والقرايين والسرة
بالديار المصرية حماها الله وكلاها فليجعل اسبابهم بالتقوى تقوى . وغروهم
بالتدبير لا تدوى ومقادهم لا يمازجها شق ولا شكوى وينزل عليهم منا متا
حتى لا يفارقوا المن والسلوى وليتق الله فيما يسدره ويأتيه وبحسن في اجتلاب
القلوب وجلاتها تأتيه واياه والتية حتى لا يقال كانه بعد لم يخرج من
التية . وجماعة الرنايين فهم الشعب الأكبر والحزب الأكثر تعاملهم بالرفق
الاجدى والسر الاجدر . و لكونه منهم لا تمل معهم على غيرهم فيما به من
النفس الامارة تؤمر . وجماعة القرايين فهم المعروفون في هذه الملة بملزمة
الادلة والاحتراز في امر الاهلة . فانصب لامرهم ممن لم يتول حين يعول .
ومن كان منهم له معتقد فلا يخرج عن ذلك ولا يخرج ولا يلجم منهم بلجام
من نار انكار من في ليلة سبته عليه لا يشرح . والسرة فهم الشعب الذين
اذن الشطيف اهل بحروبه ولم يك احدهم لمطعم لكم ولا مشرب باكولة ولا
شروبة . فمن قدرت على رده بدليل من منهبك في شرق كل بحث وغروبه
فاردده من منهج تحيده عن ذلك وهروبه والا فقل له يا سامرى بصرت بما
لم تبصروا به ولتكن تستكمل فيهم بالسواء وارقى بهم . فان الميت لا ارضا
قطع ولا ظهرا ابقى فاياك ان تكون ذلك الميت ومرهم بملزمة قوانينهم كيلا
يعدو واحد منهم في السبت واجعل امور عقودهم مستبينة واحسن التحرى
والتحرير لهم في اتقان كل كنبه ولا يخترا الا الاعيان من كل حزآن وديان .

ومن كان له من داود عليه السلام حمة نسب وله به حرمة نسب فارح له حمة واصحبه من الرقى اكرم رفقه ولجزية فهي لدمائكم واولادكم عصمة . وعلى دفاعها لا دافعها وصمة ولاجلها ورد من اذى ذميا كنت خضمة وهي الم من السيف اجاره وهي اجرة سكنى دار الاسلام كما هي لاستحقاق المنفعة بها اجاره فادوها وبها نفوسكم فادوها وان تعدوا نعمة الله لا تحصوها فعدوا الطاف الله بها ولا تعدوها وادوم على مة زجرا لتارك علامة . ومن قصد منها خلاصة قل له في الملا ما ذا خلاصة . ومن ركن في امرها الى الاخلاق والاخلال وسكن الى الاهمال ولم يرض بان راية الذلة الصفراً على رأسه تشال فوسعته انكارا والزمة منه شعارا . وان قام بنصرة منهم معشر خشن فارهم بعد العلامة خشكارا وخذهم بتجنب العش الذى هو للعهد مغير ومغيب . واكفف من هو بما ينافية فيه مغير ومغيب . واما من هو مجيب لذلك فهو لقصد مجيب ولنقل طبيعتهم عن ذلك . وان ابت عن التثاقل فانت ما يتلو قل لا يستوى للحيث والطيب . وقد عام ان الذى يتعاطونه من نفخ في البوق انما هو كما قلم للتذكار فاجتهدوا ان لا يكون لتذكار العجل للنيذ الذى له خوار هذه وصاياتا لك ولهم . فقل لهم هذه موهبة الدولة واحسانها اليكم ولطفها بكم وعاطفتها عليكم وقرهم بذلك كما تلى احساننا اليهم . يا بنى اسرائيل اذكروا نعمتى التى انعمت عليكم .

d. A second form of Firman.

وهذه نسخة توقيع برىاسة اليهود ايضا

اما بعد حمد الله على ان جعل ملاحظة هذه الدولة القاهرة لجميع الملل ناطرة واحسانها لا يعقل مصلحة لاولى الاديان غائبة ولا حاضرة والصلاة على سيدنا محمد الذى جعل ذمته وعهده وبيان لكل نسمة مؤمنة وكافرة . فان الله تعالى لما مد رواق عدل هذه الايام الشريفة على كل معاهد من متقرب ومتباعد وسارى بينهم فى النظر الذى صدق الراى وصدق الرائد اقتضى جميلها ان يسهم لكل من الذمة او فر نصيب . وان لا يقال لاحد منهم من الاجحاف ما يريب وان لا تكون امورهم مضاعة ولا تعبد اتهم مراعاة ولا شرائعهم غير مصونة ولا احكامهم عليه حسن معونة . وكانت جماعة اليهود وان كانوا اولى غنى وصدق النصارى فيهم وصدقوا فى النصارى من انهم ليسوا على شىء لا بد لهم من مباشر ياخذهم بالامر الاحوط والناموس الاضط والمراسيم التى عليهم تشرط .

وكان الذى يختار لذلك ينبغي ان لا يكون الا من اكبر الكهنة واعلم الاحبار
وممن عرف من دينهم ما لاجله يصطفى ولثله يختار وممن فيه سياسة تهجزة
عن المضار وتهجبة عن الاستغفار. وكان فلان الرئيس هو المتميز بهذه الاوصاف
على ابنائه جنسه. وله وازع من نفسه وراذع من حسن حذسة وخدمة فى
مهمات الدولة يستحقّ منها الزيادة فى انسه. وهو من بين جماعته مشهور
بالوجهة موصوف بالنهاة ذو عبرانية حسنة التعبير ودراسة لكتب اهل ملّته
على ما فيها من التغيير اقتضى جميل الاختصاص المنيف ان يرسم بالامر
الشريف. لا برج يرقب الآل والذمة ويرعى للمعاهدين للحرمة ان يفوض اليه
رئاسة اليهود الرئاسيين والقرائين والسمرّة على عادة من تقدّمة. فليباشر ذلك
مستوجبا امورهم كلها مستودعا رّقها وحلّها. مباشرا من احوالهم ما جرت
عادة مثله من الرؤساء ان يباشر مثلها غير مفرط فى ضبط ناموس من نواميس
المملكة. ولا يغفل الانكار ممن يتجاوز ذلك الى موارد الهلكة. ومن فعل ما
يقضى ينقض عهده فعليه وعلى مستحسنه له من المقابلة ما يتعظ به كل
من يفعل ذلك من بعده. بحيث لا يحجز احد منهم من كنيسة ولا فى
يهودية ولا فى منع جزية من واجب معهود. ومن خالف فوراً ذلك من
الادب ما يقشع منه الجلود. وما جعلهم الله ذمة للمسلمين الا حقنا لدمائهم.
فلا ينحها احد منهم فيجتمع له شماتة اهل الاديان من اعدائهم باعدائهم.
والومايا كثيرة. وانما هذه نخبها الملخصة. وفيها من حساب الاحسان اليهم
ما تغدو به ايام الامهال لهم معتمّة. والله يوثقه فى كل تصرف مرغوب
وتألف عن مثله مطلوب بمئة وكمة.

e. Instructions for the Ra'is al-Yahūd.

وهذه وصية لرئيس اليهود اوردها فى التعريف¹ وهى

وعليه بضمّ جماعته ولمّ شملهم باستطاعته والحكم فيهم على قواعد ملّته
وعوائد ائمتة فى الحكم له اذا وضع له فى دولته² وعقود الانكحة وخواص ما

¹ i. e. of the Cadi Shihāb al-Dīn ibn al-Umarī. Al-Kāṭikashandī has also drawn from him in places where his source is not mentioned. The variants are taken from the printed text, p. 142: وصية رئيس اليهود. Want of space forbids me commenting further upon these somewhat interesting documents.

² بادلتة.

يعتبر عندهم فيها على الإطلاق وما يفتقر فيها الى الرضى من الجانبين فى العقد والطلاق . وفيمن اوجب عندهم حكم دينه عليه التحريم واوجب عليه الانقياد الى التحكيم وما ادعوا فيه التواتر من الاخبار والتظاهر¹ على العمل به مما لم يوجد فيه نص اجتمعت² عليه الاخبار والتوجه تلقاه بيت المقدس الى جهة قبلتهم ومكان تعبد اهل ملتهم . والعمل فى هذا جميعه³ اذا ثبت انه فعل ذلك النبى الكريم . واقامة حدود التوراة على ما انزل الله من غير تحريف ولا تبديل كلمة بتأويل وتصريف⁴ واتباع ما اعطوا عليه العهد وشدوا عليه العقد وابقوا فيه دماءهم ووقوا به ذمامهم⁵ . وما كانت تحكم به الانبياء والربانىون وتسلم اليه الاسلاميون منهم . ويعبر⁶ عنه العبرانيون كل هذا مع الزامه لهم بما يلزمهم من حكم امثالهم اهل⁷ الذمة الذين اقرروا فى الديار⁸ ووقاية انفسهم بالخضوع والصغار ومد رؤسهم بالاذعان لاهل ملّة الاسلام وعدم مفاتحتهم فى الطرق . وحيث يحمل الالتباس بهم فى اللجام وحمل شعار الذمة الذين⁹ جعل لهم حلية العائتم وعقد على رؤسهم لحفظهم عقد التائم . وليعلم ان شعارهم الاصفر¹⁰ يوجب ان لا يراق دمهم الاحمر . وانهم تحت علم علامته آمنون وفى دعة اصائله مأكون¹¹ وليأخذهم بتجديد صبغة فى كل حين وليامرهم بملازمة ملازمة¹² لا تزال¹³ علائقها على رؤسهم تبين وعدم¹⁴ التظاهر بما يقتضى المناقضة او يفهم منه المعارضة او يدع فيه غير السيف . وهو اذا كلم شديد المعارضة وله ترتيب طبقات اهل ملّة من الاخبار فمن دونهم على قدر استحقاقهم وعلى ما لا يخرج عنهم¹⁵ كلمة اتفاهم . وكذلك له الحديث فى جميع كنائس اليهود المستمرة الى الآن المستقرة بايديهم من حين¹⁶ عهد الذمة ثم ما تأكد بعده لطول¹⁷ الزمان من غير تجديد متجدد ولا تايد¹⁸ احداث قد متزّيد¹⁹ ولا فعل شىء مما لم تعقد عليه الذمة ويقرّ عليهم سلفهم الاول سلف الامة²⁰ وفى هذه كفاية وتقوى الله وخوف بأسنا راس هذه الامور المهمة .

¹ . والتظاهر .

² . واجمعت .

³ . بما شرعه موسى الكليم والوقوف معه .

⁴ . ولا تصريف .

⁵ . دماءهم .

⁶ . وتعبر .

⁷ > .

⁸ . هذه الديار .

⁹ . الذى .

¹⁰ . موجب لأن يراق .

¹¹ . ساكنون .

¹² > .

¹³ . تزال .

¹⁴ . وعيد .

¹⁵ . عنه .

¹⁶ . عقد + .

¹⁷ . بطول .

¹⁸ > .

¹⁹ . مستزيد .

²⁰ . هذا الأمة .

f. Instructions for the Ra'is of the Samaritans.

[وصية رئيس السامرة]¹

ولا يعجز عن لم شعث طائفته مع قلتهم وتأمين سربهم الذي² لم يؤمنوا فيه لأكلهم الذئب لذلتهم وليصن بحسن السلوك دماءهم التي كانوا صبغت عمائمهم الحمر منها بما طل . واوقد لهم منها النار الحمر³ . فلم يتقوها الا بالذل . وليعلم آتة شعبة⁴ من اليهود لا يخالفونهم في اصل المعتقد ولا في شيء يخرج عن قواعد دينهم لمن انتقد . ولولا هذا لما عدوا في اهل الكتاب ولا قنع منهم الا بالاسلام او ضرب الرقاب . فليصن على هذا الاساس⁵ ويلتزم من فروع دينه ما لا يخالف فيه الا بأن يقول لا مساس . واذا كان كما يقول آتة كهرون⁶ عليه السلام فليلتزم للحدود⁷ ليقم⁸ من شرط الذمة بما يقيم به طول المدة⁹ . وليتمسك بالموسوية من غير تبديل ولا تحريف في كلم¹⁰ ولا تأويل وليحصن عمله فآتة عليه مسطور . وليقف عند حد¹¹ ولا يعبد¹² طوره في الطور . وليحكم في طائفته وفي انكحتهم وموارثهم وكنائسهم القديمة المعقود عليها¹³ بما هو في عقد دينه وسبب لتوطيد¹⁴ قواعده في هذه الرتبة التي بلغها وتوطيته .

g. Ordinance in regard to the employment of a Samaritan.

قلت وهذه توقيع بوظيفة بكتابة ديوانية لسامري من انشاء الشيخ جمال الدين بن نباتة¹⁵ . وهي رسم الامر لازال قلم اوامره المغضى يظهر ثمره مستمعا حديث الانعام الشامل حتى ستره ان يرتب فلان في كذا علما بكفايته التي يوزر بها في قومه على سلوك التية . وحقق حسابه الذي هو الذ من السلوي

¹ In al-Kalkashandi there is no heading ; in the MS. it is part of the preceding. I have added the heading of Shihāb al-Dīn, p. 113^r.

² لو .

³ شعبة .

⁴ .ولينبى قومه آتهم منهم وانما الناس اجناس +

⁵ لهرون .

⁶ الجدد .

⁷ وليقم .

⁸ المدد .

⁹ كلمة .

¹⁰ يتعد , which read.

¹¹ الذمة .

¹² لتوطيده .

¹³ i. e. Jamāl al-Dīn Muḥammad ibn Muḥammad ibn Nubāṭah al-Fāriḡī, 1287-1366 (Broekelmann, *Gesch. der Arab. Lit.*, II, 10). If al-Kalkashandi cites a work of ibn Nubāṭah, it can only be his *Fādīl min inshā al-Fādīl* (Hāji Khalīfah, No. 8686, ed. Flügel, IV, 345).

المجتنبه^١ ومجيبه^٢ وقرجته التي اذا اختارها اختيار قوم موسى فان من العمل مطلوبه .
 واذا قيل يا سامري ما قدمك على القرنا في الحساب . قال بصرت بما
 لم يبصروا به . وأمانته التي حاطت حياطة الصعدة السرا ووققت رايته
 على الانداد قابله ما حاط البيضا والصفراء كصاحب للمرأة واعتمادا على
 كتابته التي شهدت بها من حساباته الاسفار المبينة واقراء^٣ لصناعته
 التي سحرت الفكر حتى قيل هذا من شعب القرابين والكهنة فليباش
 هذا الاستيفاء لاوفى منه مترقيا ولكلمات الاختيار متلقيا ناهضا بالخدمة
 مجددا بالعرفه الاسرائيلي ذكر النعمة عارفا قدر الانعام الذي رعى وشمل
 كل ذمة سالكا من الاجتهاد في خدمة حسابه كل طريقة غائظا للحساد من
 اهل ملته . فتعبدون العجل مجازا وحقيقة مجتهدا في استنزال المن لا المنع
 معوزا آلائه^٤ للمواصل بعشر كلمات رايته منه في السمع مطلقا على جميعها
 هيكل من امانته . فهو ادري في الهيكل بشرط الجمع مائنا لنفسه من عدوان
 الحياة حتى لا يعدو في سبت ولا في احد منتزها عن أكل المال مع اخوة
 حتى يقال نعم السامري الذي لا يأكل مع احد .

h. Form of Firman for the Ra'is al-Yahūd in Palestine (Syria).

توقيع برياسة اليهود بالشام . مفتحا برسم من انشاء الشيخ جمال
 الدين ابن نباته . وهى رسم بالامر لا زال جوده في كل مله وغمام كرمه على
 الخلق كانه طلة وذمام نعمه يبلغ المسلم والذمي من الاستحقاق محله ان
 يستقر الحكيم . ومنه وان عملهم على ما الفوه من الاحكام . وينصف صاحب
 حقهم من مطلبهم حتى لا يعدو احد في سبت ولا في سائر الايام ويهذب
 وحشى جاهلهم بايناسه ويعالج سقم كاهلهم حتى تطلع الصفرا من راسه .
 فليقم مقاما في هذه الطائفة القديمة . وليعبر من اسفار عبرانية عن عوائد
 قضايهم النظمية مفرحا بمعرفته كل حران جامعا كل شعث على عدل عنده
 واحسان شاكر للفصل النعمة عارفا بالعوارف التي ترضى يمينها كل ذمة .

^١ المجتنبات ? the following word is not intelligible.

^٢ Perhaps اقرا ? ^٣ The two words are unintelligible ; معوزا ?

It is worth while to add from Shihāb al-Dīn's *Al-Ta'rif*, p. 101, the following:—

i. Form of oath to be taken by a Jew.

إيمان اهل الكتاب .

يمين اليهود

أَتْنَى وَاللّٰهَ وَاللّٰهَ الْعَظِيمَ الْقَدِيمَ الْأَزَلَى الْفَرْدَ الصَّمَدَ الْقَدِيمَ
الْوَاحِدَ الْأَحَدَ الْمَدْرَكَ الْمَهْلَكَ بِاعْثِ مُوسَى بِالْحَقِّ وَشَآءَ عَصَدَهُ وَازَرَهُ بِأَخِيهِ
هَارُونَ . وَحَقِّ التَّوْرَةِ الْمَكْرَمَةِ وَمَا فِيهَا وَمَا تَضَمَّنَتْهُ وَحَقِّ الْعَشْرِ كَلِمَاتِ الَّتِي
أَنْزَلْتَ عَلَى مُوسَى فِي الصَّخْفِ لِلْجَوْهَرِ وَمَا حَوَتْهُ قُبَّةُ الزَّمَانِ . وَالْأَتَعَبَدْتَ
فِرْعَوْنَ وَهَامَانَ . وَبَرَّيْتُ مِنْ إِسْرَائِيلَ وَدَنْتُ بِدِينِ النَّصْرَانِيَّةِ . وَصَدَقْتُ
مَرْيَمَ فِي دَعْوَاهَا وَبَرَّأْتُ يُوسُفَ النَّجَّارَ وَأَنْكَرْتُ لِحُطَابِ الطُّورِ وَتَعَمَّدْتُ الطُّورَ بِالْقَافُورَاتِ
وَرَمَيْتُ الصَّخْرَةَ بِالنَّجَاسَةِ . وَشَرَكْتُ لِنَحْتِ نَصْرَ فِي هَدْمِ بَيْتِ الْمَقْدَسِ . وَقَتَلْتُ
بَنَى إِسْرَائِيلَ وَالْقَيْمَتِ الْعَذْرَةَ عَلَى مِظَانِ الْأَسْفَارِ . وَكُنْتُ مِمَّنْ شَرِبَ النَّهْرَ
وَمَالَ إِلَى جَالُوتَ . وَفَارَقْتُ شَيْعَةَ طَالُوتَ . وَأَنْكَرْتُ الْأَنْبِيَاءَ وَدَلَلْتُ عَلَى
دَانِيَالَ وَأَعْلَمْتُ جَبَّارَ مِصْرَ بِمَكَانِ أَرْمِيَا . وَكُنْتُ مَعَ الْبَغْيِ وَالْفَوَاجِرِ يَوْمَ
نَحْيَى . وَقُلْتُ إِنَّ النَّارَ الْمَقِيئَةَ مِنْ شَجَرَةِ الْعُوسِيحِ نَارُ أِفْكَ . وَأَخَذْتُ الطَّرِيقَ
عَلَى مَدْيَنَ وَقُلْتُ بِالْعِظَائِمِ فِي بَنَاتِ شَعِيبَ . وَأَجْلَيْتُ مَعَ السَّحَرَةِ عَلَى مُوسَى .
ثُمَّ بَرَّيْتُ مِمَّنْ آمَنَ مِنْهُمْ وَكُنْتُ مَعَ مَنْ قَالَ لِلْحَقَّ لَنَدْرُكَ مِنْ فِرْعَوْنَ .
وَأَشْرَكْتُ بِتَخْلِيلَ تَابُوتِ يُوسُفَ فِي مِصْرَ . وَسَلَّمْتُ إِلَى السَّامِرِيِّ وَنَزَلْتُ أَرِيحَا
مَدِينَةَ الْجُبَّارِينَ . وَرَمَيْتُ بِفَعْلٍ سَكْنَةَ سُدُومَ . وَخَالَفْتُ أَحْكَامَ التَّوْرَةِ
وَأَسْتَبَحْتُ السَّبْتَ وَعَدَوْتُ فِيهِ . وَقُلْتُ إِنَّ الْمُضَلَّةَ ضَلَالًا وَإِنَّ الْخُنْكَ مَحَالٌ .
وَقُلْتُ بِالْبِدَاعَةِ عَلَى اللَّهِ فِي الْأَحْكَامِ . وَأَجَزْتُ نَسْخَ الشَّرَائِعِ وَاعْتَقَدْتُ أَنَّ
عِيسَى ابْنَ مَرْيَمَ الْمَسِيحَ الْمَوْعُودَ بِهِ عَلَى لِسَانِ مُوسَى بْنِ عِمْرَانَ . وَأَنْتَقَلْتُ
عَنِ الْيَهُودِيَّةِ إِلَى سِوَاهَا مِنَ الْأَدْيَانِ . وَأَسْتَبَحْتُ لَحْمَ الْجَمَلِ وَالشَّحْمَ وَالْحَوَايَا
وَمَا اخْتَلَطَ بِعَظْمٍ . وَتَأَوَّلْتُ أَنَّ أَكْلَ ثَمَنِهِ غَيْرُ أَكْلِهِ . وَقُلْتُ مَقَالَةَ أَهْلِ
بَابِلَ فِي إِبْرَاهِيمَ وَالْأَكْرُونَ مُحَرَّمَا حَرَمَةِ تَجْمَعُ عَلَيْهَا الْأَحْبَارُ لِقَلْبِ عَلَيْهَا
حَصْرُ الْكُنْثَاسِ . وَرَدَدْتُ إِلَى التَّيْبَةِ وَحَرَمْتُ الْمَنَى وَالسَّلْوَى . وَبَرَّيْتُ مِنْ كُلِّ
الْأَسْبَاطِ . وَتَعَدْتُ عَنْ حَرْبِ الْجُبَّارِينَ مَعَ الْقُدْرَةِ وَالنَّشَاطِ .

j. Form of oath to be taken by Samaritans (p. ١٥٤).

يمين السامرة . وهى على نحو من يمين اليهود لآتهم منهم . وقد قال العلماء ان وافقت اصولهم اصول اليهود اقروا . والا فلا . وقد خرجت لهم نسخة يمين تفردهم لموضع خلافهم لفرق اليهود وهى . اقول وانا فلان اننى والله والله العظيم البار القادر القاهر القديم الازلى رب موسى وهارون منزل التوراة والالواح للجوهر منقذ بنى اسرائيل وناصب الطور قبلة للمتعبدين . والا كفرت بما فى التوراة وبرئت من نبوة موسى . وقلت بان الامامة فى غير بنى هارون . وذكيت الطور وقلت بيدى اثر البيت المعمور . واستبحت حرمة السبت . وقلت بالتأويل فى الدين . واقرت بصحة توراة اليهود وانكرت القول بان لا مساس . ولم اتجنب شيئا من الذبائح . واكلت للجدى بلبن امه . وسعيت فى الخروج الى الارض المحظور على سكنها . واتيت النساء للبيض زمان الفمست مستبيحا لهن . وبنت معهن فى المضاجع وكنت اول كافر بخلافة هارون وانغت منها ان تكون .

k. Similar notices in regard to the Ra'is al-Yahūd and the oaths to be taken by Jews and Samaritans are to be found in the celebrated *Dīwān al-Inshā* (Paris MS. Arabe 4439), which was probably composed during the reign of the Mamluke Bars Bey (1422-1438) and of which extracts have been published in van Berchem's *Corpus* cited above. The introduction may be compared with similar accounts in al-Maḡrīzī's *Khīṭaṭ*, II, 477 et seq.; al-Shahrastānī, *Kitāb al-Mīlāl wa-l-Nikhal* (ed. Cureton), pp. 163 et seq., &c.

(fol. 140a) الملة الثانية اليهودية مأخوذ من هاد اذا رجع ولزومهم هذا الاسم من قول موسى عليه السلام انا هدنا اليك وهم اعمر من بنى اسرائيل لان من اليهود من ليس من بنى اسرائيل . وكتابهم التوراة سميت بذلك اخذا من وريت نارى ووريت وارزها اذا استخرجت ضوها لانه قد استخرج بها احكام شريعة موسى عليه السلام كما قاله التماس . وقال الشهرستاني انها ول منزل على اسرائيل وسميت كتابا اذ ما قبلها يسمى صحفا بل هى اول منزل اشتمل على حدود احكام وما قبلها مواعظ ونحوها . وهى خمسة اسفار . الاول ما يشتمل عليه الخلق من ادم ليوشع . الثانى استخدام من بنى اسرائيل

وظهور موسى وهلاك فرعون واحوال التيه وامامة هرون ونزول العشر كلمات في الالواح وهى ستة مما في التوراة . ويشتمل على اوامر ونواه وسماع القوم كلام الله . قيل كانت الالواح من زمرد اخضر وقيل باقوت احمر وقيل [ز]برجد وقيل من خشب ويقال انها لوحان واثت بصيغة الجمع كقوله تعالى فان كان له اخوة والمراد اثنان . والثالث فيه كيفية تقريب القرابين . والرابع عدد القوم وتقسيم الارض بينهم واحوال الرسل الذين بعثهم موسى من الشام والمن والسلوى والغمام . الخامس احكام التوراة ووفاة هرون ثم موسى وخلافة يوشع بن نون .¹ وذكر المفسرون عن ابن عباس ان موسى لما التقى الالواح تكسرت فلم يبق فيها الا سدسها . ويروى ان التوراة كانت سبعين وقر بعير يقرأ الجزء منها في سنة وانها رفع منها ستة اسباعها منها وبقي سبع واحد وفيه هدى ورحمة وفي الذى رفع تفصيل لكل شئ .

واليهود بعد افتراقوا على عدة طوائف فالمشهور منها طائفتان . الاولى الربانيون والقراون . وهم كالفرقة الواحدة اذ توراهم واحدة ولا خلاف بينهم في اصل اليهودية وكلهم متفقون على نبوة موسى وهرون ويوشع وابراهيم واسحق ويعقوب والاسباط واتفقوا على استخراج ستمائة وثلاثة عشر فريضة من التوراة يتعبدون بها . ثم الربانيون يتفردون عن القرابين بشروح موضوعة لغوامض التوراة المتقدمة ومعها اخبارهم وتعريفات على التوراة ينقلونها عن موسى ويتفقون على استعمال² صخرة بيت المقدس في الصلوة وعلى ان الله كلم موسى على طور سيناء . ويختلفون في امرين احدهما القول في الطاهر والجنوح الى التاويل والقراون يفتون مع ظهور نصوص التوراة يتحملون ما يقع فيها من ذكر الصورة لله تعالى والتكلم والاستواء على العرش والنزول على الطور على ظاهرة والربانيون ياتلون ذلك كله . الثانى القول ما القدر فان الربانيون يقولون لا قدر سابق وان الامرانف . والقراون يقولون بسابق القدر وما عدا ذلك متفق عليه³ . الطائفة الثانية السامرة . وهم اتباع السامري المذكور في القرآن⁴ العزيز واسم موسى ابن ظفر وكان اصله من قوم يعبدون البقر فرأى جبريل مرة جاء الى موسى راكبا على فرس الحية فاخذ قبضة من تراب من تحت حافر فرسه والقاء على حلى لهم وقال له كن عجلا جسدا له

¹ al-Zamakhshari, *Kashshaf*, I, 476, 479.

² or استقبال .

³ فهم متفقون ؟

⁴ Surah xx. 96.

خواراً فصار كذلك . قال الحسن صار حيواناً لحماً ودماً . وقيل صار بخور ولم سعلت (?) عينه فكان من شأنه ما قص الله في كتابه العزيز . وقال الشافعية ان السامرة ان وافقت اصولهم اصول اليهود فهم منهم حتى يقرّوا بالجزية والأ فلا . ثم السامرة لهم تورا تخصهم عن التوراة المتقدمة وعن الذي بيد النصارى وهم يتفردون بأفكار نبوة من بعد موسى سوى هرون عليهما السلام ويوشع عليه السلام ويستقبلون طور نابلس في صلاتهم وموتاهم زاعمين انه للجبل الذي كلم الله عليه موسى بن عمران عليه السلام . ويزعمون ان الله تعالى امر داود ببنيان بيت المقدس عليه فخالف وبناء بالقدس .

ولم يكن لطوائف اليهود سلطان ولا ملك قائم في اقطار الدنيا وانهم حيثما كانوا ورثوا الجزية ضرب² عليهم الذلة اينما يقعدوا . وكبيرهم من يقرّره السلطان رئيساً لهم على الرنانيون والقراون والسامرة . ويشترط في ولايته ان يكون ديتنا فيهم عالماً بدينهم عفيفاً بينهم له ففاهم³ ورافة عليهم ويرضونه رئيساً عليهم حاكماً فيهم وولايته من الحضرة الشريفة و[] بالقاهرة وتوقيعه في الثالث

الضرب الثاني اتباع اليهود . وهم ثلاثة . الاول الحزّان وهو عندهم بمثابة الخطيب فانه يصعد المنبر في بيعهم فيعظهم ويذكرهم . الثاني الديّان وهو بمقام المفتي عندهم يعلمهم امور دينهم وما يحلّ لهم وما يحرم عليهم . الثالث [الشليحصبور] وهو الامام الذي يصلّي بهم في بيعهم ولم يكن لاحد منهم ولاية من الابواب الشريفة .

(fol. 303 a) الضرب الثاني في الايمان التي يحلف بها اهل الكفر وفيه مهيعان . المبيع الاول انما ان المشرعة وهم من زعم التمسك بشريعته [] وهم ثلث ملل . الملة الاولى اليهودية . ماحوذ من هاد اذا رجع ولزومهم هذا الاسم من قول موسى عليه السلام ما هدنا اليك . وقد تقدّم الكلام عليهم في القسم [] في ترتيب ارباب الوظائف وهم افترقوا على طوائف والمشهور منهم طائفتان . الاولى القراون والرنانيون وهم كالفرقة الواحدة لان توراتهم واحدة ولا خلاف بينهم في اصل اليهودية وتقدّم الكلام عليهم . وبينهم الخ .

¹ Surah xx. 90; *al-Kashshaf*, II, 864.

² ففصرت ؟

³ حِلْم .

Then follows the text of the oath as in Shihāb al-Dīn and a short account of the Day of Atonement; after which we have the historical note that this oath was first introduced by al-Faḍl ibn al-Rabī, the Vizier of Hārūn al-Rashīd :

اعلم ان اول من استحدث هذه الايمان لاهل اليهودية الفضل بن الربيع
وزير الرشيد احدثها له كاتب كان عنده ومنها استنبطت هذه الالفاظ .

The oath to be taken by Samaritans is then given; also, in the same words as cited by Shihāb al-Dīn.

Finally, on fol. 147 a, we have an account of the Raʿīs al-Yahūd in Damascus :

الثالث . رئيس اليهود وهو يتحدث على طائفة القرايين والريانين والسامرة .
وشروطه ان يكون لاحقا بصفة رئيس اليهود بالقاهرة وبشروطه اللازمة له وتوقيعه
في العادة ولا يكتب له توقيع الا باذن الرئيس بالقاهرة فانه بمقام نائبه وربما
تحدث على السامرة شخص بمفرده من تحت امر الرئيس بمصر . ويسمى
الرئيس براء مهملة ثم ياء موحدة وياه وسين .

It is impossible to tell up to what date these regulations remained in force. But, as regards the oaths to be taken by Jews and Samaritans, we have evidence that even in the fourteenth century they were already antiquated; a somewhat remarkable fact—as Shihāb al-Dīn, whom the other authors will copy, mentions them as in force. Paris MS. Arabe 4437 contains a "Secretary's Manual" entitled *Ijābat al-Sā'il ila Ma'rifat al-Rasā'il*, written by an unknown author about the year A.D. 1375. On ff. 94 b and 100 b he says expressly that he had never known such oaths to be required—though he quotes them in full according to the text of Shihāb al-Dīn.

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July, 1905.

THE FRENCH REVOLUTION AND THE EMANCIPATION OF THE JEWS¹.

ALTHOUGH the French Revolution and the emancipation of the Jews are united in my title, the movement which led up to complete political emancipation of the Jews commenced quite independently of the general political upheaval in France, and consequently it is not possible to obtain any clear and complete view of the march of the efforts which were made on behalf of the Jews by confining attention to the years immediately following 1788. Efforts to ameliorate the conditions of the Jews of France commenced to be made many years before, and it is only because the movement merged into the greater national upheaval during the years 1789-91 that the one politically becomes part of the other.

I propose, therefore, in spite of the title, which is slightly misleading, to confine attention to a brief survey of the efforts for the amelioration of the lot of the Jews before 1789 and to the steps by which the National Assembly came to consummate in the years 1789-91 probably the most supreme act of justice which Europe has witnessed during the last 150 years.

In a country in which the people govern, political movement is only a visible expression of forces which are at work more or less deeply in the social organism. And on a cool review of the conditions and circumstances which attended the achievement of Jewish liberty in

¹ An Address delivered during the Cambridge Summer Meeting, August, 1906. The general scheme of the course of studies dealt with the eighteenth century, and three lectures on Jewish History were included: "Moses Mendelssohn" (by Dr. A. Wolf), the lecture here printed, and "Jewish Life in the Eighteenth Century" (by I. Abrahams).

France, one cannot doubt that it was only a small yet integral part of the colossal advance which Frenchmen made for mankind in the eighteenth century towards freedom and happiness.

It is not necessary here to dwell upon general events in France in the eighteenth century, the breakdown of the old social system, the annihilation of feudal ideas, the scorn for the Church and all its ways, and the propagation of new theories of the principles upon which society should be built. But two points it is desirable to bear in mind, (1) that out of the welter and ferment and chaos in which French ideas were plunged, men were slowly but surely grasping that which is now the first principle of government—that all men are to be treated as equal until it can be proved that some are a danger to society, and (2) the French mind of the eighteenth century was not inclined to argue inductively, but to seize upon a general principle and use it deductively regardless of immediate consequences. Generally logic could not wait upon opportunity, but opportunities had to be made to fit in with logic.

Thus when individuals are inclined to argue that this or that event which occurred elsewhere, in Germany or England or America, gave the immediate impulse to Jewish emancipation in France, they are allowing their national prejudices to greatly exaggerate the work of their countrymen. The pamphlet of Dohm on the condition of the Jews of Germany may have called attention to the miserable plight of the Jews of Alsace; the pamphlet of Mirabeau on the Jew Bill of 1753 in England, probably enlisted much sympathy in France for the Jews of Alsace, of whom few Frenchmen knew anything; the publication in France of the decree of emancipation granted by the State of Virginia almost certainly made French statesmen think that the same grant of liberty was no more dangerous in France. But each and all of these could have done little for the Jews: at best they could furnish only illustrations in

the argument of emancipators against the diatribes and prophecies of the clericals and anti-Semites. Jewish emancipation was due to the genius of Frenchmen for liberty and justice, to the provocation which the fatuous policy of the clericals gave to a people already bitterly incensed against them, and to the efforts which French Jews themselves made for their own salvation. Indeed, the movement for emancipation followed the same course in France as in every other country since: by their own efforts Jews obtained possession of their citizenship *de facto* before the Assembly gave them possession *de jure*. As the communes of Paris remarked, the National Assembly were only required to place the seal of the law upon those rights of citizenship which the Jews had already earned and which they already enjoyed.

In 1780 there were some 30,000 Jews within the French kingdom, dwelling practically in three districts only—some 20,000 in Alsace, some 5,000 or 6,000 in and about Bordeaux, and the rest either in Paris or scattered in small communities in several parts of the country. And it is as well to note that this concentration in few places constituted at once the strength and the weakness of the Jewish cause. On the one hand, it gave free play to the intellect of the doctrinaires who were numerous in the National Assembly, for they were enabled thus to argue in the abstract, independent of the prejudices, for or against, which the concrete generally engenders; on the other hand, it allowed the moderates in the Assembly—a word which is taken to mean moderate in opinion, but which most frequently means moderate in ability, in imagination, and in courage—to procrastinate because the evils of which the Jews complained were not at their doors, and the woes of 20,000 people were of little immediate account with men who had to save a nation. It was the great task of the Jews to draw these moderates into the camp of the liberators, and it was the achievement of the clericals to drive them thither.

Of the three communities of Jews only one could boast

of any degree of happiness and prosperity. The community of Bordeaux was an old one, composed for the most part of the descendants of those Jews who had been honoured residents of the south of France and the north of Spain before the baneful influence of the Inquisition spread its shadow over the land. They did not share in the expulsion which Charles VI decreed in 1394, because Bordeaux was then English territory; and when the English finally disappeared from French soil a more tolerant or a more greedy king took them under his protection. But it was not as Jews that they remained; they were compelled outwardly to assume the garb and the attitude of Christianity. For three centuries they lived in the light of day as Christians; they went to church and to confession, they joined in social and political functions ostensibly as Christians. In secret they cherished the old ideals of their fathers, which are the eternal ideals of Israel. In 1686 they were, however, recognized as Jews, paying to Louis XIV a protection tax as Jews; and from 1730 onwards they openly practised the rites which Judaism imposed. They built synagogues, and the church no longer found them within its walls. And from 1730 until the outbreak of the Revolution no one protested—surely a wonderful sign of the progress which religious toleration had made in France before Mendelssohn was born, or the idea of a Jew Bill in England was conceived, or the American Revolution was even whispered.

The participation of the Jews of Bordeaux in the duties of its citizens, its social, political, and military functions had a powerful effect on the cause of Jewish emancipation. They had the opportunity of proving their worth to their fellow citizens, and they used it. Their historic association with the commerce and development of the port, their patriotic bearing, their liberal attitude towards mankind generally, their commercial probity, and their manly dignity, won for them the commanding respect of their neighbours; so that when their hour of trial came it never

occurred to the Bordelais to regard the Jews of Bordeaux as anything but equals. No Christian Bordelais ever asked if Jews might eat with Christians; he knew they did. No Bordelais inquired whether Jews could be good Frenchmen; he had tried them and found them not wanting. Christian and Jewish Bordelais had lived and fought together, bled and died together; and each had learned to respect the other's virtues if he could not share his faith. And therefore, when the Jews of Bordeaux in 1776 petitioned the king to grant them the right to settle in any part of France and to trade throughout the kingdom, there were few or none to protest. They received their letters patent and the confirmation of all their previous privileges. And in 1789 they exercised the franchise like other Bordelais to elect members of the National Assembly. I dwell somewhat upon the Bordeaux Jews, for, as we shall see, it was their position more than any other single fact or argument whatsoever which carried the Jews of France past the crisis of their fate.

The position of the Jews of Paris was in sharp contrast with that of their co-religionists in Bordeaux. They had received no general permission to return, and had crept back by ones and by twos because, with all the disadvantages of Paris, conditions elsewhere were quite as hard to bear. When their presence became known, a system of individual licences to reside was instituted. Most of the Jews in Paris had come from the German provinces, and in every case strict investigation was supposed to be made into the character and antecedents of applicants for the right to reside. As they were subject to the domiciliary visits of certain police officials, on whose report the retention of their property and indeed the possibility of mere existence depended, it is easy to see that at no time could they acquire more than was necessary for bare subsistence, and that their position resolved itself into a struggle to satisfy the greed of their official persecutors. The only Jews in Paris who found life at all tolerable were a few who had come from

Bordeaux and were under the protection of the court or of great nobles whom they served.

The Jews of Alsace were in a deplorable plight. Probably in the whole of Jewish history there have been few communities living under such conditions.

Practically the towns were hermetically sealed against them. They might only dwell in the villages, and in them money-lending was unhappily the only pursuit to which they might devote their intellect and their industry; and even in that the restrictions were so comprehensive and the administration of the law so completely in the hands of ill-wishers that every loan they made was almost irrecoverable if the debtor were inclined to refuse payment. As a consequence, their poverty and degradation could hardly reach a lower depth.

"The most hostile authors agree in depicting the Alsatian Jews of the end of the eighteenth century as poorly fed, clothed in rags, and possessing only a limited capital, which they loaned, and on the interest of which they realized enough to support themselves."

With little capital and less security they were compelled to make bargains with a peasantry almost as poor as themselves, and under such conditions that anti-Semites, whose paradise has always been the German provinces of Europe, had no difficulty in pointing out illegalities, in dwelling upon the oppressive nature of the loans, and consequently in arousing the bitter hostility towards the Jews of those who really were fellow victims of the same vile system.

Reviled for their odious calling, these Jews of Alsace were debarred from every means of livelihood which could have afforded them an escape from its toils. Commerce, trades, professions, agriculture, were all closed against them. Moreover, they groaned under the most oppressive imposts—poll tax, travellers' tax, residence tax, protection money, restricted rights of marriage—every economic evil which German ingenuity could devise. Victimized by official robbers and princely parasites, it only remained for them

to be the victims of ingenious roguery to find life unendurable. And a calamity due initially to such roguery fell upon them in the years immediately precedent to the revolution. In 1778 quittances from their debts to Jews were granted to the credulous peasantry by agents who were sent throughout the villages of Alsace by a lawyer, appropriately named Hell. The Jews repudiated the quittances, and their repudiation was supported by magistrates who were certainly not favourable to them. Yet the peasantry were aroused to commit every act of violence against the Jews by the virulence of their anti-Semitic leaders. Houses were destroyed, outrages of all descriptions were committed, Jews were driven forth from the villages and frequently murdered, and certainly in most cases payment of debts was refused. More it was impossible to endure. And at length the Jews resolved to appeal to the King for some amelioration in their lot.

The times were not altogether unpropitious for a great effort on behalf of the Jews. The stream of humanitarian pamphlets and discourses had poured through the whole of cultured France. "The geometrical method of thought," as Max Nordau calls it, "was producing its natural effect, and out of the declaration of human rights the men of the Great Revolution were deducing religious toleration and emancipation of all members of the human race." The Protestants had already had their turn, for the King had commissioned Malesherbes, his chief minister, to consider the restoration of Protestants to the position they had enjoyed under the Edict of Nantes, and in 1784 he commissioned him further to inquire if anything could be done to make the Jews of Alsace useful citizens and a happier people. But Malesherbes' attitude, though it may have been affected somewhat by the ideas of his time, was far removed from that of the revolutionary leaders. He approached the question of the Jews precisely as a humane politician of the old régime might be expected to approach it. He was concerned only to determine what

concessions humanity demanded and social conditions rendered safe.

Those who pleaded the cause of the Alsatian Jews demanded at once too much and too little. They of all people were scarcely affected by the doctrines of their time. Assimilation with the French would render the Jewish life impossible, and they were unwilling to make so colossal a sacrifice as it seemed to them. They, therefore, did not ask to be admitted as citizens of France—put in such a form their request would have seemed to Malesherbes an impudent demand—but desired to create for themselves a position which should give them all the economic advantages enjoyed by French citizens, and would at the same time allow them much of self-government. They demanded the maintenance of privileges accorded to certain among them, and for the rest the right of free residence in any part of the kingdom, of practising any profession, of possessing and cultivating the land, of admission to chambers of commerce, and the right to share in municipal government. In substance, such a position was more advantageous than that of the vast majority of Frenchmen themselves.

It is almost impossible to suppose that the Alsatian Jews expected to obtain all this. The Bordeaux Jews who, twenty-one years before, had procured the expulsion of Jews of Avignon from Bordeaux on the ground that they were beggars and parasites incapable of supporting themselves and likely to imperil their own position—an argument which became familiar to English Jews two years ago—on this occasion lent considerable aid to their co-religionists of Alsace. The recognized leaders of the Bordeaux Jews in Paris might have accomplished much for them had not the unenlightened attitude of the Alsatians themselves disgusted Malesherbes and worn out his patience. The result of Malesherbes' inquiry was of little practical value. The poll-tax was abolished, and under letters patent the Jews were granted a peculiar status under which, with the appearance of liberty, they

remained strangers in the nation, subject still to galling restrictions and a special system of police supervision even more galling.

But henceforward the Jewish question was never allowed to sink out of public notice. The Paris press began to take up the cause of the Jews, to examine their claims, and to express sympathy for this persecuted and miserable people. It may have been, as the clerics said, that the press was engineered by the wealthy Cerf Berr; it is more probable that the writers were largely actuated by their humanitarian principles and mainly by the burning hostility to the Roman Church and the privileged classes generally, for, it must be remembered, the exploitation of the Jews by means of taxes and imposts was almost entirely for the benefit of the nobility and ecclesiastics. The Jews themselves were not idle: for the first time Jews of Alsace began to write in French for the education of Frenchmen. Pamphlets were printed and circulated refuting the slanders, both religious and economic, with which the clergy and traders of Alsace alike loaded the Jews. The result was that gradually the question began to wear a different face—the economic part sank more and more into the background and gradually the matter evolved as a religious question. Journals and people outside Alsace began to couple together Protestants and Jews: the revocation of the Edict of Nantes was producing an effect which no Christian had anticipated.

The dawn began to break in Alsace too. In 1785 the Society of Arts and Sciences of Metz offered a prize for an essay on the subject "Are there means for making the Jews more useful and more happy in France?" Of the nine competitors, four were clergymen, and, of these, three were favourable to the Jews—there were still some Christians among the French clergy.

One of the three must be distinguished above all the many gallant Frenchmen who afterwards became champions of the Jews. If the Jews were inclined to make saints, then high up

in their hierarchy should they place the Abbé Grégoire. He was one of the prize-winners, and afterwards he was never absent from the hottest of the fight for the emancipation of the Jews. In the press and on the platform, in the salon and in the chamber, his pen and his voice never ceased to be employed on behalf of the Jews. It was from him that they invariably expected aid and support, and they were never disappointed. It was against him that the party of clerical and noble privileges directed all their venom and all their vituperation. They knew for whose smile he had deserted the party of the Church; they knew for how much he had sold his soul to the Jews; they knew by what intrigues he was to gain his bishopric; and among the tenderest names they had for him was Judas Iscariot. No charge was too absurd, no language too vile to be launched against him. But amid all this obloquy he marched on in simplicity and serenity till his work was done, and he saw the principles which he advocated in his essay sealed by the law of his country.

The prize essays were published in 1789. In the meantime the flood of literature on the Jewish question continued. In 1787 Mirabeau published in London a pamphlet entitled "On Moses Mendelssohn and the political regeneration of the Jews, and in particular on the revolution in their favour attempted in Great Britain in 1753." His general attitude was summed up in his own phrase; "Men who did not desire or were unfit for civil rights should be excluded from the State."

In his pamphlet Mirabeau mentioned the Act for Religious Liberty passed in the state of Virginia in 1785. Possibly the contention is correct that this Act had great influence on the minds of the statesmen of the Revolution and induced some to become warm advocates in the Jewish cause. It is true that the story of the struggle for Jewish rights in Virginia obtained much currency in France through the instrumentality of Thomas Jefferson, and it may be that this famous American himself brought over many to the

side of the Jews. But in subsequent debates in the Assembly there is scarcely a reference to America, and it is difficult to imagine that Frenchmen would cite instances from America of the civic capacity displayed by Jews when they had the living example of those of Bordeaux before the very eyes of the nation. France was in no humour to take examples from others; she was bent on carving out her future in her own way and according to her own genius.

In the press one begins to remark the faint sound of a new note. More vehemently than ever the claims of Jews and non-Catholics were being asserted; but it was only slowly that the claim for toleration receded and was replaced by a claim for full and free citizenship. At first the journals of Paris show something of timidity in their claim for the Jews, as though affected by the fear which prejudice always begets; but gradually, as the nature of the opposition became manifest, the tone of uncertainty passed away, and, whatever their motives, there were no more consistent advocates of the Jews than the journalists of Paris¹.

It was, therefore, amid circumstances distinctly favourable to the Jews that the Estates General and subsequently the National Assembly met.

Of the 1,118 members a clear majority belonged to the third estate and the parish priests, all of whom had suffered from the neglect and insolence of the higher clergy and the *grande*s of the court, and these were also the oppressors of the Jews. And the whole of the Assembly was impregnated with the theories of the "social contract" and of the "Rights of Man." It is fairly evident that the Jews, therefore, thought themselves justified in expecting little opposition to their demands.

¹ It is perhaps necessary to remark that the politicians of the Coffee Houses were also frequently the leader writers of the Paris journals, and therefore the approval which the Press gave to the demands of the Communes had nothing of the nature of independent support,

But no one foresaw the chaos which was soon to display itself in the chamber, a chaos of ideas and motives which makes the formation of a consistent and continuous narrative henceforward an almost impossible task. There were initially no parties, no leaders, no discipline, no order; sentiment took the place of wisdom, and expediency became more and more another name for pressure of the populace outside. It is possible that the nobility of the chamber and the higher clergy might have co-operated loyally with the other estates to ameliorate the lot of oppressed classes, but by early August, 1789, the destructive tendencies of the majority had shown themselves; and there began to be formed naturally parties, bound together for self-preservation if for nothing else. The prelates and nobles formed one party, uniting to flout the parish priests and the commons and co-operating to defend their property and their privileges; the second, consisting of people sincerely desirous of good government, extracting their principles from books and carried away by pure logic; the third composed of those—lawyers and parish priests for the most part—who were impatient for change because they were not satisfied with their present condition. The last was the most numerous and in close alliance with the populace, which was rapidly getting out of hand and which had already proscribed many of the nobility and higher clergy and therefore completely alienated them from the cause of the revolution.

It was unfortunate that the Jewish question was introduced after these parties had begun to crystallize; for, for nearly two years, the fact made their fate not a matter of humanity as they expected and hoped, but, if I may stretch the meaning of a phrase somewhat, the sport of party politics. Roughly, the zealous supporters of the Jews belonged to the third of the parties; the second contained those who were indifferent, and who by good management might have permanently sided with the ecclesiastics; the first became violently hostile, but in many cases it is

probable that the Jews only shared in the hatred which the third party inspired.

The ground was broken in the National Assembly on August 22, by the motion of Count de Castellane, "No one shall be molested on account of his religious opinions."

Mirabeau was the first speaker. He demanded the abolition of a dominant Church, adding that sentiment which has since become famous: "I will not preach tolerance to you: in religion the utmost freedom is in my eyes a right so sacred that the word tolerance appears to me itself to smack of tyranny."

It was Rabaut St. Étienne, who belonged to the third party, however, who specifically introduced the Jews on this motion:

"I demand for the Protestants of France," said he, "I demand for all the non-Catholics of the kingdom, that which you demand for yourselves, liberty and equality of rights: I demand them for this people, sprung from Asia, always wanderers, always proscribed, always persecuted throughout these eighteen centuries."

And again:

"Taught by the long and bloody experience of centuries, taught by the errors of our fathers and their misfortunes, you will say, without doubt, it is time to cast away the weapons of savages, who glut themselves with the blood of our fellow citizens, it is time to surrender to them rights too long denied; it is time to break down the barriers of injustice which keep them apart from us; it is time to make them love a fatherland which has hitherto proscribed them and cut them off from its care."

"Fellow citizens who were to love France as a fatherland." This was the very voice of the Revolution: here was an ideal presented by a Frenchman which the Jews of Alsace five years before would have considered beyond the wildest dreams.

The leaders of the Jews in Paris took the cue immediately.

On August 26, 1789, i.e. four days after the opening

debate, they presented a petition to the Estates General claiming their rights as men. In the words of Leon Kahn, to whose writings I am throughout deeply indebted:—

“To obtain their rights they appealed to the philosophical sentiments of the deputies; the Assembly had restored to man his pristine dignity; the Jews felt assured that the Assembly would not make any distinction between one man and another.”

In the ensuing discussion the characteristics of the parties in the Chamber displayed themselves, but not in any very violent form. The more radical were for an immediate vote, the nobles and higher clergy felt, the one their privileges, and the other the religion they professed attacked, and were inclined to vote against the Jews; but by far the majority were for a middle course, humane treatment, but not immediate emancipation. Hence the Assembly shelved the motion of Abbé Grégoire that the house should discuss the petition. But apparently the “Blacks,” that is, the clericals, and their allies from Alsace the anti-Semites, were somewhat fearful of a vote which might at any time be taken under dispassionate conditions. They sought to intimidate the Chamber by exciting a massacre in Alsace. It is not my part to harrow your feelings with a description of the excesses of which the partisans of the nobility and clergy were guilty. Suffice it, that they had many of the features of the pogroms of Russia, differing from them perhaps only in dimensions, and that only because there were few Jews to massacre, few to despoil. It was during the evening sitting of October 14 that news of the riots was announced to the assembled deputies: immediately a wave of indignation passed through the Chamber, amid which even the bitterest of the “Blacks” thought it well to be silent. Without hesitation it was decided to send an express courier to order the authorities in the disturbed districts to suppress the outbreak with all the powers at their command.

Grégoire and his supporters, induced by the evident

emotion of the deputies, moved that the Jewish representatives be allowed to present their petition in person. Their speeches had so profound an effect that on a second motion of Grégoire the Jewish deputies were admitted into the body of the Chamber to assist at the session. However, the sitting came to an end without a definite vote being taken.

The Reactionaries had hoped by the disturbances in Alsace to frighten the Chamber into the belief that the Alsatians were immutably opposed to the emancipation of the Jews in their midst. The more timid and hesitating among the deputies probably were frightened, but, as a matter of fact, the riots helped to advance the cause they were meant to delay. Many of the Chamber felt their humanity outraged, and the authority of the Assembly defied by the enemies of the revolution; and the net effect was to hasten the crystallization of parties which were little more than in the stage of generation.

On December 21 the Jewish question was again introduced as part of a more general motion. Brunet de la Tuque proposed that non-Catholics should be eligible for the National Assembly.

Le Comte Clermont Tonnerre enlarged the motion by his amendment to the effect that "no active citizen should be excluded from the public service on account of his profession or his religion."

Rewbell—the leader of the Alsatian deputies—sprang to his feet, and demanded excitedly: "Does the Count include Jews among active citizens?"

"Yes," shouted the Count, "I include the Jews, and I glory in the fact."

For three days the discussion continued amid great passion and excitement. The protagonists were Robespierre, Barnave, Beaumetz, Clermont Tonnerre, and Mirabeau for the Jews: for their opponents, Rewbell, the Bishop of Nancy, and Abbé Maury. It is almost evident from these names that the debate had resolved itself into a struggle

between the extreme parties, and that the immediate question was not the important issue at stake. Some of the most ardent champions of the Jews belonged to the party which was most directly at command of the populace of Paris, and these people had already proscribed the Abbé Maury and the Bishop of Nancy as enemies of the nation. The opposition of the latter may have been partly explained by their proscription.

On the third day a deputy, Duport, proposed an amendment which, whilst securing all that Tonnerre desired, would in its drafting, he thought, be less offensive to certain of the opposition.

Still amid tumult and excitement the motion for priority of this amendment was put to the vote. Twice it was impossible to take the numbers on account of the noise and confusion. Finally, when the deputies voted by name, priority was refused by 408 to 403—a majority of five in a house of 813.

In estimating the significance of this small majority it is necessary to remember that the Estates General were still young, that many members voted with the Conservatives because they felt that the velocity of the stream was too great, and that they were being hurried out of their depth. Many of these could still be won over either by convincing them of the justice of Jewish claims, or that it was the existence of the Chamber that was at stake, or by the menace of popular dissatisfaction. The deputies and the popular journalists in Paris were well aware of this, and hence did not hesitate to express their jubilation, rejoicing that in this, one of the first real struggles with the Church, on a question in which religion, prejudice, and vested interests were all in favour of their opponents, these could command a majority of five only. The Clericals, too, felt the precarious nature of their majority, and determined to push their advantage whilst there was yet a chance of success: they meant to have a specific declaration of the Estates General excluding Jews for ever

from the nation. Rewbell demanded expulsion from the country; Maury only proposed to give them a limited toleration; but Clermont Tonnerre killed the proposition—"we cannot have a nation within a nation," said he, a statement which appealed to the philosophical sentiments of the House.

Nevertheless, the foremost of the emancipators saw that the debate must soon come to an end: every one was weary of the subject, and in the present temper of the House it was clear that the contest would certainly not go in their favour. It was necessary to devise some means for drawing a battle that could not then be won. They, therefore, seized upon the obvious willingness of the greater number to have done with the question, at least for the time, by amending the motion. The Assembly finally accepted the following:—"The Estates General agree that non-Catholics are eligible for all civil and military offices equally with all other citizens, without, however, deciding anything relative to the Jews, whose case they reserve for future judgment."

Thus the champions of the Jews saved them from utter exclusion at this stage by a postponement of the question. The Clericals were still strong enough to defend their last fence, and it was desirable to wait till they had lost a few more men in other forays before attacking it again.

I must ask you at this stage to return for a moment to the consideration of the attitude of the several sections of Jews in France during this first year of revolution. From the year 1781 until the first days of the Estates General there had been an appearance of unity of action by all sections of Jews. It was, however, only an appearance.

For the most part the attitude of the Bordeaux Jews was one of sympathy for their Alsatian brethren, but there was nothing of the sentiment of organic unity in their behaviour. The needs of the one before the revolution were not the needs of the other: whilst, on the one hand, the Alsatian Jews envied the lot of the Bordelais, the latter had little

amelioration to desire economically, and it was only economic amelioration which was at that time obtainable.

And the natural allies of the Bordeaux Jews when the Estates were convened were not those of Alsace. It must be remembered that the convention of the Estates was due not only to an uprising of the proletariat, but certainly as much to the determination of the wealthier and vain bourgeoisie to wrest something of political power from a beggared and worn-out aristocracy. It was with this bourgeoisie that the Bordelais felt most community of interest, and this class had considerable power in the Estates.

On reviewing the forces at work and the composition of the Estates, therefore, the Bordeaux Jews were justified in their opinion that a united effort would carry all Jews without exception into the ranks of French citizens. They could reckon on the support of their own class to maintain their own position; they could not believe that they had lost the sympathy of the nobles, which had enabled them to obtain full rights in 1776; they probably calculated that the theories which guided the deputies would also work strongly in their favour, and they had no reason to believe that the anti-Semitic sentiments of a handful of deputies from Alsace would affect any formidable section of the Chamber.

The debate of August 22 somewhat undeceived them. After that co-operation almost ceased, and the vote of December 24 broke up the apparent union completely.

The condition in which the Jewish question was left by the Assembly in December not only worked negative injury to the Jews in that it denied the admission of the Alsatians to full citizenship, but worked positive injury in that it practically robbed the Portuguese Jews of rights which they had enjoyed for two centuries. The latter had not expected apparently that there would ever be any question regarding their position, which they believed firmly established; and when they found that the word "Jew" natur-

ally applied to them as well as to the Jews of Alsace they were thrown into a state of intense alarm. They were immediately at immense pains to prove that they ought not in any degree to be confounded with their co-religionists in Alsace. Although the statements they made and the attitude they adopted towards their fellow Jews fully deserved the censure which they drew upon themselves at the time from the more enlightened French journals and French deputies, nevertheless it was their agitation which carried the question of Jewish emancipation past its crisis. It was impossible for the National Assembly to give these Jews a position inferior to that which they had enjoyed under French kings: it became impossible logically to deny rights to one set of Jews which were conferred upon another. That was the position into which the Assembly had been driven, and the Assembly yielded to the logic of the situation.

On December 31, 1789, the Bordeaux Jews presented an address to the Assembly, in which they claimed that they should be distinguished from the rest of the French Jews, and should be enrolled in the number of full citizens. The petition was submitted to the "Constitution Committee," and by them entrusted to Talleyrand, Bishop of Autun, for examination and report. On January 28, 1790, the Bishop reported in these terms:—

"The Revolution, which has made the recovery of their rights possible for all Frenchmen, cannot be the agent of their loss to any such citizens. Consequently, whilst deciding nothing upon the general question which has been adjourned, the Committee proposes to the Assembly to accord to the Jews of Bordeaux that which they so justly demand, and to declare them full citizens with the same rights as all other citizens."

As the Paris journals did not fail to point out, it was difficult to believe that any one would have the effrontery to oppose so reasonable a proposition. When the motion came before the House, however, Rewbell assayed to oppose

it, but immediately from all parts of the assembly there arose such a cry of indignation, such an uproar, that his voice was drowned amid the din, and he was compelled to resume his seat. His party, however, were not deterred from moving amendments to the original motion, which would have given the Bordeaux Jews an inferior position and provisional rights.

Even the friends of the Bordeaux Jews, or rather those who were not unfavourable to their cause, moved numerous amendments, every one of which would have restricted in some particular their full enjoyment of active citizenship.

Amid a scene wilder and more tumultuous than that of December, De Séze, the deputy for Bordeaux, in order to keep faith with his constituents, as he said, submitted a motion demanding for them simply "the rights of active citizens."

The scene amid which this motion was put to the vote reminds one of nothing so much as an Irish night in Parliament of the early eighties. It is thus described¹:—

"A first count appeared doubtful. A second was made; there was no doubt in the greatest part of the House; every one was almost convinced that the motion was carried; among the secretaries only one was undecided; it was necessary to have recourse to a vote by roll-call. It is impossible to describe the tumult which, during two long hours, detracted from the dignity, even the solemnity, of the Assembly's proceedings. A continual clamour arose from that part of the hall occupied by members of the former orders of the clergy and the nobility. The zeal of the Bishops and their hatred of the Jews gave to these saintly men a holy passion. They leaped out of their seats, rushed hither and thither in disorder and tumult over the Chamber; when the secretaries raised their voices to call the names they were drowned by the uproar and confusion. Cries, shouts, interruptions crossed and recrossed with

¹ Léon Kahn, *Les Juifs de Paris pendant la Révolution*.

increasing violence, whilst the populace without the barriers gave emphatic evidence of its indignation. This scene, the most shameful and disgusting that it is possible to imagine, lasted two hours; two hours during which the calling of the roll was every instant drowned in the tremendous uproar. Twenty times the roll was begun, stopped, resumed amid this unceasing and disgusting turmoil. The opposition called for adjournment. But such was the devotion of the patriotic party that the members of it preferred to pass the night without food rather than abandon thus the *cause of the people*. They remained fixed in their seats, and waited the event of this astonishing scene. The president, the representative in this respect of the most numerous part of the Assembly, declared that all these efforts to prevent the roll-call would be futile. Many members—chiefly among the clerics—tried another trick. They left the House, hoping thus to break up the sitting. Shouts were heard that the sitting had not been legally suspended, and the absence of certain members could not break up the deliberations. At length the temperature of the Chamber, the suffocating atmosphere, the noisome dust which the excited movements of 800 people spread about, and finally exhaustion or impatience brought the deputies to reason. Little by little their cries, their mutterings became first feeble, and finally died away; the naming of the members and their answers 'Yes' or 'No' became audible, and the voting followed its regular course."

Only 598 members voted, and the motion was carried by 373 votes to 225. It was confirmed next day by the king.

The next effort of the reactionaries was an attempt to extract from the Assembly a specific declaration that the Jews of Alsace were not included in the rights which had been conferred on their coreligionists in Bordeaux. The motion had a specious air of non-committal, but the Assembly rightly understood that a specific motion of such a kind was in reality a motion hostile to the Alsatian Jews, and therefore the motion was rejected.

It remained for the reactionaries only to raise those political conflagrations which they had prophesied. This they proceeded to do with all the energy at their command. They sent emissaries to Bordeaux for the purpose, and although the people of Bordeaux would have none of them, they nevertheless caused reports to be spread in Paris that the Bordelais were up against the Jews. They clearly reckoned on the advantage in time which difficulties in communication would give them to animate the more timid and encourage the more obstinate of their party in rushing some hostile motion through the Assembly. But hard on the heels of their report came that from the authorities and leading Jews, stating that there was no sign of hostility ; on the contrary, according to their own accounts, the Jews were met everywhere with nothing but expressions of friendliness and congratulation, in short, in the true spirit of fraternity which the laity of France realized, and the clergy, as ever, professed.

In the Assembly itself the special message which the Jews sent informing the members of the perfect good fellowship and perfect security which they enjoyed was received with rounds of applause. It was obvious at this stage that the deputies as a whole had nothing but the friendliest sentiments for Frenchmen of the Mosaic faith ; what active opposition existed was entirely an artificial production of the German element in league with the Clerical and noble opponents of the popular party.

Practically every section of the nation able to voice its opinions, except the very bigoted Clericals, saw that opposition was now illogical, if not absurd. The only difference arose on the question of time. Some were for immediate emancipation, most still clung to the idea that there was no reason for an immediate decision, and yet others were still deterred by the threats of massacres made by Rewbell and the anti-Semites. The Assembly, therefore, was inclined to procrastinate, and in spite of the tremendous pressure brought to bear upon them by the Paris

press, public opinion in general, and the steady determination of the Alsatian Jews, they were able to ward off a decision so long as they met outside the confines of Paris. The Alsatian Jews were, of course, fully conscious of the strength which their position had acquired by the emancipation of the Bordeaux Jews: their petitions were now emphatically demands, and no longer requests for consideration. Nominally debarred from the activities of citizens, the Jews in Paris found themselves welcome recruits in the ranks of a people who had become impatient with the Assembly and the opposition of the Court party. They were thus able to create for themselves in Paris a position which their *confrères* had earned in Bordeaux. They readily performed every duty which was required of every other citizen, whenever and wherever opportunity offered, and opportunities were not few. Thus the people of Paris became accustomed to act with Jews, to understand their qualities, and appreciate their public spirit and philanthropy. So that ultimately it became as ridiculous in Parisian eyes to deny legally to Jews those rights and duties which it was perfectly obvious they were not only able and willing to exercise, but which more and more events, in fact, thrust upon them.

By this time the Communes, those sixty independent Republics, were become the dominant powers in the situation; and every gust of passion which swept over Paris carried with it the National Assembly, whether it were willing or not. The leaders of the Parisian Jews were not slow in perceiving who were the masters of the situation, and whilst not ceasing to petition the Assembly from whose initiative they hoped nothing, they addressed themselves zealously to earn the good opinion and the advocacy of the Communes.

A petition was presented to the "General Assembly of Representatives of the Communes" on January 28, 1790, asking for support. On the 30th the District of the Carmelites presented a deputation, who argued that they had

greater opportunity than any other for observing the conduct of the Jews. They summed up the position in these words :—

“ If they are not yet Frenchmen, they deserve to be. They are already in our midst: in truth, they already possess the rights of citizens ; all that is missing is the seal of the law.”

The General Assembly of the Communes resolved to petition the National Assembly to occupy itself without delay with the Jewish question, and to pass a decree assimilating them to other citizens ; but not to present the petition until every district in Paris had been asked for its approval. Of 60 districts 53 positively accepted the resolution, the votes of six are unknown, one only disapproved. But more interesting than the actual vote are the terms of the letters from the several districts announcing the result of their deliberations. The same note was struck throughout, varied only by the degree of cordial appreciation which they expressed of the Jews as fellow citizens and honest men.

On February 25 the Assembly of the Communes presented their petition to the National Assembly to hasten the legal enrolment of the Jews of Paris among the citizens of France.

The Jews of Paris must have felt at this time that the battle was won ; but they had to wait eighteen months to obtain legally those rights which they enjoyed in fact. The middle party were still sufficiently numerous to cause procrastination, and it was necessary that the anti-Semitic party should create more enemies and utterly disgust everyone before a decision could be obtained. And, indeed, the anti-Semitic party were not slow to seize every opportunity to create friends for the Jews. They again excited the Assembly by instigating riots in Alsace early in April, and compelled the Assembly again to exert its authority. They opposed the motion to naturalize certain classes of residents among whom a number of Jews would have been included. They secured the exclusion of Jews when the Assembly

decided that non-Catholics were eligible for the judicial bench; and when the Constitution Committee of the National Assembly reported that all Jews possessing letters patent from the king were necessarily classed with the Portuguese Jews, on whom citizenship had been already conferred, they were able to have the report referred back to the Committee.

But the two debates which secured for the Jews more votes than all others together were those relating to the sale of unnecessary church buildings in Paris and to the removal of the poll-tax on Alsatian Jews, which was levied solely for the benefit of the De Brancas family. The populace were starving: the sale of the buildings would enable the Communes to feed them; the Jews were generously placing their means at the disposal of the people; the clerics not only denied them the sources of relief, not only maintained a corrupt demand on the resources of the Jews for the benefit of a parasitic family, but charged the Jews with being the real instigators and authors of the motion for the sale of the churches. In fact, almost every step the clerics took with regard to these two motions tended to laud the Jews as friends of the people and denounce themselves as their enemies: and they made it impossible for any man to remain neutral who did not wish to appear also among the enemies of the nation. Hence the anti-Semites were not able to obtain more than a small number of votes on either occasion, and both motions were carried amid loud applause.

Seeing that the deputies were growing more and more impatient with the factious opposition of the anti-liberty party, the Jews of Paris thought the moment favourable to present again their demand for political liberty. They urged precisely the same arguments which had been used by the Jews of Bordeaux on their own behalf—long residence, obedience to the laws, their devotion to their country, their zeal in the cause of liberty. Ungenerously by implication they separated their cause from that of their brethren

in Alsace, who were not allowed so much freedom of action. The Assembly again referred the matter to the Constitution Committee. But the Jews of Paris did not cease their efforts: they induced the local counsellors to petition the National Assembly again to hasten to confer formally on them the rights which they actually enjoyed. The Assembly was about to disperse, but on Sept. 27, 1791, Duport excitedly demanded that the Jews should enjoy *in France* the rights of active citizens. So far had the justice of the claim penetrated, and so weary were all of the subject and the opposition, that no astonishment was expressed. Only Rewbell assayed to protest, but he was not allowed to speak. On the next day Duport formally presented his motion. Rewbell made a last effort, but a fellow deputy put a hand over his mouth, and the motion was immediately passed by common consent.

Generally the press published the decree without comment. The religious papers regarded it as another blow against the clergy, but only feebly protested.

The massacres in Alsace, so loudly prophesied, did not take place; and thus the struggle which had been ushered in amid so much turmoil and bloodshed reached its appointed end amid profound calm.

English Jews may pray—and I am sure that their fellow countrymen of another faith will pray with them—that a similar drama which is now unfolding itself in another land may have an equally peaceful and happy issue.

I. H. HERSCH.

AN EARLY SOURCE OF THE TESTAMENTS OF THE PATRIARCHS.

Of the Aramaic texts here published, the Cambridge fragment was identified by Mr. H. L. Pass among the Geniza collection in the University Library, and was edited by him in the *J. Q. R.*, XII, 651 sqq. We have reprinted it because he has kindly furnished us with some corrected readings (to which we have added some of our own, derived from photographs), and because of its connexion with our other texts. The remaining part of the Aramaic is contained in a single leaf found some time later among the Geniza fragments in the Bodleian Library, and briefly described in the Catalogue, No. 2835, 27. The two pieces are on vellum, in the same hand, and clearly belonged to the same MS., which Mr. Pass considers "can scarcely be later than the eleventh century." Possibly it is even earlier.

The occasional agreement of the Aramaic with the ordinary Greek text, and their more frequent divergence, already noted in the *J. Q. R.*, XII, 652, were difficult to explain. Was the Aramaic a Jewish adaptation of the Greek, or was it a more original form of the work? That there is some connexion between them could not be doubted. Meanwhile another discovery, while throwing light on some part of the difficulty, raised other questions equally hard to answer. Prof. Lake when on a visit to Mount Athos photographed a tenth century MS. of the accepted Greek text of the Testaments, which on examination proved to contain a long passage not found in any other known MS., but agreeing, where the two happen to overlap, word for word with the Aramaic, and clearly

derived from the same source. We print here only the part which corresponds to the Aramaic, reserving the rest for another occasion.

There is also a small Syriac fragment, clearly belonging to the same work, printed by Mr. Pass in the *J. Q. R.*, XII, 657, where the last number ܡ (134) is a mistake of Wright's Catalogue for ܡ (137).

The common source of these Greek and Aramaic texts is not the *Testaments of the XII Patriarchs*, but a work based partly on the Testaments and partly on the Book of Jubilees, or else a work from which the authors of these books drew some of their materials. The evidence is decidedly in favour of the latter alternative, and therefore postulates a date not later than 150 B. C.

The question naturally arises what was the original language of this work? Was it written in Hebrew, and are the Aramaic and Greek fragments independent translations of it? or was it written in Aramaic and is the Greek fragment a rendering of the Aramaic? The possibility of the Greek being the original is precluded by the fact that it exhibits several Semitic idioms such as ὦν ἐστιν ὁ καπνὸς αὐτῶν (= אִשְׁרָא . . . עָשָׁן), ἐκκαλεῖν ἐν αὐτοῖς (בָּעֵר בָּם), μεγάλη ἀπὸ πάσης σαρκός (גְּדוֹלָה מִכָּל בָּשָׂר), πρόσχε σεαυτῷ ἀπὸ παντός (חֲשֹׁר לְךָ מִכָּל). These could be explained from an Aramaic or Hebrew background. Again the peculiar expression κρίσιν ἱερωσύνης, meaning the "rights (or dues) of the priesthood," is only intelligible through retranslation into מִשְׁפַּח הַכֹּהֲנִים (cf. Deut. xviii. 3). Since, so far as we are aware, this is not explicable on the hypothesis of an Aramaic¹ original, we are led to the conclusion that the underlying text was in Hebrew. Possibly also the corruption in the Greek σὺ πρῶτος ἀπὸ τοῦ σπέρματος λαβὲ σεαυτῷ, where for πρῶτος the Aramaic rightly reads γυναικα (אִתְּהָא), may afford an argument in the same direction; for here it is quite impossible to explain

¹ The Targum on Deut. xviii. 3 does not render מִשְׁפַּח by כִּרְיָ.

how *πρῶτος* arose, if the Greek is a translation of the Aramaic. But *πρῶτος* = probably *ܡܫܐܚ* which would thus be a corruption of *ܡܫܐ*. Another passage which cannot be explained except on the hypothesis of a Hebrew original, is found in Bodleian col. *b*, *μὴ βεβηλώσης τὸ σπέρμα σου μετὰ ἑπολλῶν*, a corruption of *πορνῶν*, as the Aramaic (*ܡܢܝܢ*) shows. But in Test. Levi ix. 10 we find *μετ' ἀλλοφύλων γενῶν*, and this is the sense required by the context, and especially by Jubilees, that the priestly line was not to be defiled by foreign marriages. The text of the Testaments presupposes *וְנָזַר* which must have been corrupted to *וְנָזַר* (or *וְנָזַר*) from which the Aramaic reading is derived. On the other hand it is to be observed that the list of trees in the Greek corresponding to Bodleian col. *c* shows several transliterations of Aramaic names of trees¹. But this argument is not conclusive. For it would not be unnatural to use, even in a Hebrew document, in the second century B. C. the popular Aramaic names of trees, where a large number is given. Moreover in certain cases the Hebrew name may either have been forgotten or have become so unfamiliar as to make it advisable to give the ordinary names which these trees bore even amongst the minority who knew Hebrew.

Again, we should not fail to observe that the Aramaic contains dittographs, which can most naturally be explained as duplicate renderings of the same Hebrew original. One such conclusive dittograph is found in col. *c* of the Cambridge fragment. The text states twice the reason for which Levi called his son's name Merari. "And I was greatly distressed regarding him (*מְרָרִי לִי עָלָיו לְחַרָּה*) because as soon as he was born he died" (*מֵיחַ*). This statement is nonsense; for Merari did not die. But the true text—a duplicate one for the most part—immediately follows: "And I was greatly distressed regarding him (*הוּוּ מְרָרִי לִי עָלָיו כִּנְיָא*) because he was like to die" (*מֵיחַ*).

¹ See footnotes on p. 580.

The simplest explanation of this dittograph is that we have here two renderings, one incorrect and the other correct, of the same Hebrew original. The difference in the word used for "greatly" in the two cases is noteworthy. The second and correct rendering is supported by the Test. of Levi xi. 7: ἐκάλεσα αὐτὸν Μεραρεῖ, ὃ ἐστὶ πικρία μου ὅτι καλεῖ αὐτὸς ἀπέθνησκεν (*was like to die*).

Finally among Hebraisms in the Aramaic might be instanced הרת = "she conceived" (Camb. frag. col. c).

Thus the balance of evidence seems to be in favour of a Hebrew original.

The order of the present fragments is as follows: Cambridge fragment, col. a, comes first, followed by a gap of three columns. Then Cambridge, col. b, followed by a loss of some columns in the Aramaic. After this comes the Oxford fragment of four columns, the last three of which are preserved in the Athos Greek fragment. Then follows a loss of four columns in the Aramaic which are, however, preserved in the Greek. Finally we have the Cambridge fragment, coll. c, d, e, f, the first half of c alone being preserved in the Greek.

Both the Aramaic fragments are in very bad condition, some passages being quite illegible. Doubtful letters are marked with an overline; letters supplied are enclosed within brackets. In both texts, words evidently corrupt are marked with an obelus. We have added a literal translation of the Aramaic, but the meaning of some passages is very uncertain.

Cambridge fragment, column a.

..... מאת ...
 דברת די כל א
 למעבר כדן בכ
 עקב אבי ורא[ח]
 ואמרנ להן ב ה ד
 צבין אינן בברתן ונחיו כולן א[חין]

וחברין מורו עורלת בשרכון
 והתחמין כ[ואתן] ותחן חתימין
 כואתן במילת . . . מ ונחוי לכ[ן]

א

* * * *

[About three columns are wanting here.]

Cambridge, col. b.

אחי בכל עה
 א די הוו בשכם
 אחי ואחי דן
 בשכם ומה
 ע[עב] די חמסא ואחי
 אינן יהודה די אנה ושמעון
 אחי אולנא לה . . ד לראובן
 אחונן די למד . . . שר ושור
 יהודה קרמא [די] שבק עאנא

* * * *

[Probably a long passage is lost here.]

Bodleian fragment, col. a.

שלמא וכל חמדת בבורי ארעא
 כולה למאכל ולמלכות חרבא פנשא
 וקרבא ונחשירותא ועמלא
 ונצפתא וקטלא וכפנא זמנן תאכול
 חמנן חבנן חמנן תעמל חמנן
 תנח חמנן תרמוך חמנן תנוד
 שנת עינא כען חזי לך הכין רבינך
 מן כולה והך יהבנא לך רבות שלם
 עלמא תגדו שבעתין מן לוחי
 ואנה אתעירת מן שנתי אדין
 אמרת חזוא הוא דן וכדן אנה
 מחמא די יהוי לה כל חזוא וממרת

אף דן בלבי ולכל אינש לא גליחה
ועלנא על אבי יצחק ואף הוא כדן
[ברכ]ני אדין כדי הוה יעקב
[בתרי] עשר כל מה דיהוה לה כנדרה
[וכדי] אנה הוית קדמי בראש
[כהונת]ה ולי מכל בנוי יהב קרבן
.... לאל ואלבשי לבוש כהונתא
[ומ]לי ידי הוית כהן לאל עלם . .
וקרבית כל קרבנחי וברכת לאבי
בחיותי וברכת לאחי אדין כולחן
ברכני ואף אבא ברכני ואשלמית

Bodleian, col. b.

להקרה קורבנחי בבית אל ואולנא

καὶ ἀνῆλθομεν

Test.
Lev. ix. 1

מבית אל ושרינא בבירת אברהם

ἀπὸ Βηθλὴλ καὶ κατελύσαμεν ἐν τῇ αὐλῇ
'Αβραάμ

אבונן לות יצחק אבונה והוא

τοῦ πατρὸς ἡμῶν παρὰ Ἰσαὰκ τὸν πατέρα
ἡμῶν καὶ εἶδεν

יצחק אבונא לכולנא וברכנא

'Ισαὰκ ὁ πατὴρ ἡμῶν πάντας ἡμᾶς, καὶ
ἡυλόγησεν ἡμᾶς

חדי וכדי ידע די אנה כהן לאל

καὶ ἡυφράνθη καὶ ὅτε ἔγνω ὅτι ἐγὼ ix. 3.
ἱεράτευσα τῷ Κυρίῳ

עלין למארי שמיא שארי

δεσπότη τοῦ οὐρανοῦ ἤρξατο

לפקדה יתי ולאפא יתי דין

διδάσκειν με τὴν κρίσιν

ix. 7.

כהונתא ואמר לי לוי אודתר

ἱεροσύνης καὶ εἶπεν, Τέκνον Λεὺ πρόσεχε

לך ברי ברי מן כל טומאה ומן

σεαυτῷ ἀπὸ πάσης ἀκαθαρσίας,

כל חטא דינך רב הוא מן כל

ἡ κρίσις σου μεγάλη ἀπὸ πάσης

בישרא וכען ברי דין

σαρκός. Καὶ νῦν τὴν κρίσιν

קשטא אחוינך ולא אסמר

τῆς ἀληθείας ἀναγγελῶ σοι καὶ οὐ μὴ
κρύψω

מינך כל פתגם לאלפותך דין

ἀπὸ σοῦ πᾶν ῥῆμα διδάξω σε

כהונתא לקדשין חידתר לך

πρόσεχε σεαυτῷ

ix. 9.

ברי מן כל פחו וטמאה ומן כל

ἀπὸ παντὸς συνουσιασμοῦ καὶ ἀπὸ πάσης
ἀκαθαρσίας καὶ ἀπὸ πάσης

לִי דִי חוּזִין לַחֲסֶקָה מִיִּנְחָן לַמִּדְבָּחָה	μοι ἐπὶ τὸν βωμὸν πρόσφερε
דִי רִיחַ תִּנְנָהוּן בְּשִׁים סְלִיק וְאֵלִין	ὧν ἐστὶν ὁ καπνὸς αὐτῶν ἡδὺς ἀνα- βαίνων καὶ ταῦτα
אֵינֶן שְׂמַחְתָּחֹן אֲרֹא וּדְפִרְנָא	τὰ ὀνόματα αὐτῶν κέδρον καὶ σὺνδεφωνα
וּסְנֵדָא וְאֲמֹלָא וְשׁוּמָא וְאֲדֹנָא	καὶ σχῆνον καὶ στρόβιλον καὶ πίτυν καὶ ὀλδύνα
בְּרוּתָא וְתִאֲנָתָא וְאֵעַ מִשְׁחָא	καὶ βερώθα καὶ †κᾰνθεχακ
עֲרָא וְהִדְסָה וְאֵעִי †דִקְתָּא אֵלִין	καὶ κυπάρισσον καὶ δάφνην καὶ ἀσφάλα- θον ταῦτα
אֵינֶן כִּי אֲמַר לִי דִי חוּזִין לַחֲסֶקָה	εἶρηκεν ὅτι ταῦτά ἐστιν ἃ σε ἀναφέρειν
מִנְהֹן לְ[תַחֲוִ]ת עֲלֵתָא עַל מִדְבָּחָה	ὑποκάτω τῆς ὀλοκαυτώσεως ἐπὶ τοῦ θυσιαστηρίου
וְכִדִּי [חֲסֶקָה] מִן אֵעִי אֵלִין עַל	
מִדְבָּחָה וְנֹרָא יִשְׂרָא לְהַדְלִקָא	καὶ τὸ πῦρ τότε ἄρξει ἐκκαίειν

Bodleian, col. d.

בְּהֹן וְהָא בִּאֲדִין תִּשְׂרָא לְמֹזְרֵק דְּמָא	ἐν αὐτοῖς, τότε ἄρξει κατασπένδειν τὸ αἷμα
עַל כּוֹתֵלִי מִדְבָּחָה וְעוֹד רַחֵעַ יִידִין	ἐπὶ τὸν τοίχον τοῦ θυσιαστηρίου. καὶ πάλιν νίψαι σου τὰς χεῖρας
וְדִנְלִיךְ מִן דְּמָא וְשָׂרִי לַחֲנִסְקָה אֲבִרְיָה	καὶ τοὺς πόδας ἀπὸ τοῦ αἵματος καὶ ἄρξει τὰ μέλη ἀναφέρειν
מִלְּחִי †וְאִשָּׁה הוּי מִחֲנִסְקָה לְקִרְסִין	ἡλισμένα· τὴν κεφαλὴν ἀνάφερε πρῶτον
וְעִלְוֵהִי חֲפִי תִרְבָּא וְלֹא יִתְחַח לָהּ	καὶ κάλυπτε αὐτὴν τῷ στέατι· καὶ μὴ ὀπτανέσθω
דֵּם †נִסְכַּת תּוֹרָא †וּבְתִרְוֵהִי צוֹאֲרָה	τὸ αἷμα ἐπὶ τῆς κεφαλῆς αὐτῆς· καὶ μετὰ τούτο τὸν τράχηλον
וּבְתִרְ צוֹאֲרָה יִדְוֵהִי וּבְתִרְ יִדְוֵהִי	καὶ μετὰ τούτο τοὺς ὤμους καὶ μετὰ ταῦτα
נִעְמָא עִם בֶּן דְּפִנָּא וּבְתִרְ יִידִיא	τὸ στήθος μετὰ τῶν πλευρῶν καὶ μετὰ ταῦτα
יִרְכֵּאָתָא עִם שְׂדֵרַת חֲרִצָּא	τὴν ὀσφὺν σὺν τῷ νώτῳ
וּבְתִרְ יִרְכֵּאָתָא רִנְלִין רַחִיעֵן עִם	καὶ μετὰ ταῦτα τοὺς πόδας πεπλυμένους σὺν
קִרְבִּיא וּבִלְחָן מִלְּחִין בְּמִלְּחָ כִּדִּי	τοῖς ἐνδοσθεῖοις καὶ πάντα ἡλισμένα ἐν ἁλατι ὥς

חזה להן כמסתהן ובתר דנח נישמא

בליל במשחא ובתר כולא חמר נסך

וזקטיר עליהן לבונה ויהון [כל]

עובדיך בסרך וכל קורבניך [לרעו]

לריח נחת קודם אל עלין [וכל די]

תהוה עביר בסרך הי עב[יר במרה]

ובמתקל לא תותר צבו די לא [חזה]

ולא תחסר מן חושבן חזת[א] ו[אע]י

תחזיק להקרבה לכל די סליק למרב[חא]

לתורא רבא דכבר אעין ליה במתקל

ואם תרבא בלחודווי סליק שיתה

מנן ואם פר תורין הוא די סליק

* * *

Here a leaf of the Aramaic is wanting, which is preserved in the Greek.

Cambridge, col. c.

.

[והו]ח כוס[ן] אנתא והוית עמה

[והר]ת עוד [וילידת לי בר אחרין]

[וקרא]תי שמח [קהת וחזית] די לה

[יהו]ה כנשת כל [עמא ארין] לה תהוה

[כחנ]ותא רבתא [לכל יש]ראל

καθήκει αὐτοῖς αὐτάρκως· καὶ μετὰ ταῦτα
σεμίδαλιν

ἀναπεποιημένην ἐν ἐλαίῳ καὶ μετὰ ταῦτα
οἶνον σπείσων

καὶ θυμιάσον ἐπάνω λιβανον τὸ ηεσε-
σθαι [= τοῦ ἔσεσθαι]

τὸ ἔργον σου ἐν τάξει καὶ πάλιν προσ-
φορά σου εἰς εὐδόκησιν

καὶ ὁσμὴν εὐωδίας ἐναντι κυρίου ὑψί-
στου· καὶ ὅσα ἂν

ποιῆς ἐν τάξει ποίει ἃ ποιῆς ἐν μέτρῳ
καὶ σταθμῷ καὶ μὴ περισσεύσης μηθὲν
ὅσα σὺ καθήκει

καὶ ἔτω καθηκι των† οὕτως ξύλα
καθήκει ἀναφέρεσθαι ἐπὶ τὸν βωμὸν
τῷ ταύρῳ τῷ τελείῳ τάλαντον ξύλων
καθήκει αὐτῷ ἐν σταθμῷ

καὶ εἰς τὸ στέαρ μόνον ἀναφέρεσθαι ἕξ
μνᾶς καὶ τῷ ταύρῳ τῷ δευτέρῳ

καὶ πάλιν συλλαβοῦσα ἔτεκεν ἕξ
ἐμοῦ κατὰ τὸν καιρὸν τὸν καθήκοντα τῶν
γυναικῶν·

καὶ ἐκάλεσα τὸ ὄνομα αὐτοῦ Καάθ. καὶ
ὅτε ἐγεννήθη ἐώρακα ὅτι ἐπ' αὐτῷ
ἔσται ἡ συναγωγὴ παντὸς τοῦ λαοῦ καὶ
ὅτι αὐτὸς¹ ἔσται

ἡ ἀρχιεροσύνη ἡ μεγάλη ἡ αὐτὸς καὶ τὸ
σπέρμα αὐτοῦ ἔσονται ἀρχὴ βασιλείων
ἱεράτευμα¹ τῷ Ἰσραήλ.

¹ Read αὐτῷ, and in the next line αὐτῷ καὶ τῷ σπέρματι.

בשנת אר[בע וחל]תן לחיי
 ילד בירחא קס[אה בח]ד ליר[חא]
 עם מרנח שמש[א] ועוד
 אוספת והוית ע[מה] וילדת לי בן
 תליתיו וקראתי שמה מררי ארי
 מר לי עלהי לחדה ארי כדי ילד
 הוא מית והוה מריר לי עלהי
 סניא מן די ימות ובעית והתחננת
 עלהי והיה בכל מרר בשנת
 ארבעין לחיי ילדת בירחה תלית[י]
 ועוד אוספת והוית עמה וברת
 וילדת לי ברתא ושוייתי שמהא
 יוכבד אס[רת] כדי ילדת לי ליקר
 ילדת לי לכבוד לישראל
 בשנת שתין וארבע לי לחיי וילדת
 בחד בחודשא שביעיא מן בתר די

Ἐν τῷ ἐνιαυτῷ [τετάρτῳ] καὶ ᾧ ἔτει xi. 4.
 ἐγεννήθη ἐν τῷ πρώτῳ μηνὶ μιᾷ τοῦ μηνὸς
 ἐπ' ἀνατολῆς ἡλίου. καὶ πάλιν
 συνεγενόμην αὐτῇ καὶ ἐν γαστρὶ ἔλα-
 βον καὶ ἔτεκέν μοι υἱὸν
 τρίτον καὶ ἐκάλεσα τὸ ὄνομα αὐτοῦ xi. 7.
 Μεραρήν
 ἐλυπήθη γὰρ περὶ αὐτοῦ . . .

[The Greek Fragment ends here.]

xi. 8.

Cambridge, col. d.

ה[עלנא ל]מצרים בשנת שת
 עשרה ה[עלינה לארע מצרים ולבני
 בנת אחי לערן אשוית
 זבניהן . . . י להון בנין שם בני
 גרשון [לבני ו]שמעי ושם בני xii. 1.
 ק[הת עמר]ם ויצהר וחברון ועזיאל xii. 2.
 [שם] בני מררי מחלי ומושי xii. 3.
 [ונסב] לה עמרם אנתא ליוכבד ברתו xii. 4.
 עד די אנה חי בשנת תשעין וא[רבע]
 לחיי וקרייתי שמה די עמרם כדי
 ילד עמרם ארי אמרת כדי ילד
 דנה [יו]עִי עמא מן א[רע מצ]רים
 כון [א]תקרא [שמה עמא] ראמא

ביום חד יל . . . יא [הו] א יוכבר
 ברתי בר שני ת[ם] נה עשרה העלת
 [לא] רע כנען ובר שני ת[ם] נה עשרה xii. 5
 כדי קטלית אנה לש[כם] וגמרת
 לעבדי חמסא ובר שני תשע
 עשרה כהנית ובר שני תמנה
 תעסרין נסבת לי אנתה ובר
 שני תמנה וארבעין היותי כדי
 העלנא לארע מצרים ושני
 תמנן ותשע היותי די במצור[ים]

Cambridge, col. e.

תהו כל יומי חי שבע ות[לחין] ומ[א]ה xix. 4
 שני וחיותי לי בגין ת[ליתאין] עד
 די לא מיתת וב[שנת] מאה ותמנה
 עשרה לחי היא ש[תא] די מית בה
 יוסף אחי קריתי לב[ני] ול[בניהון]
 ושריתי לפקודה הנן כל ד[י] הוה
 עם לבבי ענית ואמרת לב[ני] שמעו
 למאמר לי אבוכון ותציתו לפקודי
 ידיד אל אנה לכון מפקד בני ואנה xiii. 1
 קושמא לכון מתחוי תביבי ראש
 עובדיכון יהוי קושמא ועד
 עלמ[א] [י]הו[י] קאים עמכון צדקה
 וקוש[מא] [מא] 55 ע לן
 עללה בריכה ו[זר] עא די זרע xiii. 6
 מאב מאב מהנעל ודי זרע
 ביש עלוהי תאיב זרעה
 וכען בני ספר מוסר
 חוכמה דאפילו לבניכון ותחוי
 חוכמתא עמכון ליקר עלם
 די אליף חוכמתא ויקר היא
 בה ודי שאיט חוכמתא לבשרון
 מתיהב חו בני ליוסף אחי
 [די] מאלמא ספר ומוסר חכמה (xiii. 9?)

Cambridge, col. f.

.

 חשב
 לב ש נבר ז . . .
 אה מוהו א . . .
 וסנה עה לכל מ[אתא]
 ומדינה ל לה אחא . . .
 הוי בה [לא כוא]ת נכר הוא בה
 ולא רמ[ה בה ל]נכרי ולא דמה xiii. 3.
 בה לב[ל . . . י די כולחון יתב[ין]
 לה בה יקר [א]רי כולה צבין
 למאלף מן חוכמתה רחמון[הי] xiii. 4.
 סניאן ושאלו שלמה רברבן
 ועל כורסי יקר מהותבן לה
 בריל למשמע מילי חוכמתה
 עותר רב די יקר היא חוכמתה
 וסימא מאבא לכל קניהא הן
 יאתון מלכין תקיפין ועם רב (xiii. 7.)
 חיל ופרשין ורתיבין סניאן
 עמהן וינסבון ב . . . מאת
 ומדינה ויבחו כל די בהן
 אתרי חוכמתא לא יבחו
 ולא ישבחון מטמוריה ולא

Translation of the Aramaic.

Cambridge, col. a.

... daughter(?) ... that all ... to do according to
 right in ... Jacob my father, and saw ... and we said
 to them ... they desire our daughter, and we will be
 all br[ethren] and companions. Circumcise the foreskin
 of your flesh and appear l[ike us] and be sealed like us
 in the circumcision of ... and we will be to y[ou] b[rethren].

* * * *

Cambridge, col. b.

... my brother at every time ... that were in Shechem ... my brother and he showed this ... in Shechem and what ... [doe]rs of violence, and Judah showed them that I and Simeon my brother went to ... to Reuben our brother who ... before [that he le]ft the sheep ...

* * * *

Bodleian, col. a.

... peace, and all the desirableness of the first-fruits of the earth, all of it, for food and for dominion; the sword, fighting and battle and slaughter¹ and trouble and rage² and murder and famine. Sometimes thou shalt eat, and sometimes thou shalt be hungry; sometimes thou shalt labour, and sometimes thou shalt rest; sometimes thou shalt sleep, and sometimes the sleep of the eye shall depart. Now behold how he has made thee greater than all, and how I give thee the abundance of everlasting peace. And two weeks passed from me, and I awoke from my sleep. Then I said: The one vision is even as the other (?). I wondered that every vision should be (given) to him, and I hid this one also in my heart and revealed it to no man. And I went to my father Isaac and he also [blessed] me likewise. Then when Jacob saw³ [concerning the tw]elve all that should happen to him according to his vow [and how that] I was first at the head of [the priesthood?], and to me of all his sons he had granted the offering, [he gave thanks] to God, and clothed me with the garment of the priesthood, and [fil]led my hands, and I became a priest to God, and I offered all his offerings and blessed my father in my life, and blessed my brethren. Then they all blessed me, and father also blessed me, and I finished

¹ As in Syriac.

² The root קרי in Syriac means to *hiss* (with rage).

³ סaw appears to be a mistake for saw .

Bodleian, col. b.

offering his offerings in Bethel. And we went from Bethel, and lodged in the castle of Abraham our father, with Isaac our father. Isaac our father saw us all, and he blessed us and rejoiced. And when he knew that I was priest of the Most High God, the Lord of heaven, he began to charge me and teach me the privileges¹ of the priesthood, and said to me: Levi, take heed to thyself, my son, my son, against all defilement and all sin. Thy privileges are greater than (those of) all flesh. And now, my son, I will show thee the rule of the truth, and will not hide from thee any matter to inform thee in the rights of the priesthood. First, take heed to thyself, my son, against all lust and uncleanness, and against all fornication. And do thou take to thee a wife of my family, and defile not thy seed with harlots, for thou art an holy seed, and holy is thy seed like the holy place, for a holy priest art thou called² among all the seed of Abraham. Thou art nigh to [God and] nigh to all his holy ones. Now be thou pure in thy flesh from every defilement of all men.

Bodleian, col. c.

And when thou risest up to enter the house of God, wash thyself with water and then be thou clothed with the garment of the priesthood, and when thou art clothed, again wash thy hands and thy feet, before thou offer anything on the altar. And when thou takest to offer all that is fitting to bring upon the altar, again wash thy hands and thy feet, and offer the split logs, and prove them first (free) from worms, and then offer them, for thus I saw Abraham my father admonishing. Of all the twelve kinds of wood he told me that those of them are fitting to offer on the

¹ דין (literally = *epious*) here the rights and privileges of the office, apparently = כבוד in Deut. xviii. 3.

² The Greek translator seems to have had before him the reading כהן קדוש קצת לך לזרע אברהם, and to have neglected the word לך. This must go back to a time when כ and ך were not distinguished.

altar whose smoke goes up with a sweet savour; and these are their names:—cedar and bay¹ and almond and fir-cone² and acacia (?)³ and pine⁴, cypress and fig and olive and laurel and myrtle and asphalathus⁵. These are they which he told me it was right to offer under the sacrifice on the altar. And when [thou hast placed] of the wood of these (trees) on the altar, and the fire begins to kindle

Bodleian, col. d.

them, then begin to sprinkle the blood on the sides of the altar, and again wash thy hands and thy feet from the blood, and begin to offer up the limbs, salted⁶; offer the head⁷ first, and upon it spread the fat, and let there not be seen on it the blood of the offering of the bull (?); and after it the neck, and after the neck its fore-legs, and after its fore-legs the breast with the rib, and after the legs⁸ the thigh with the spine of the loin, and after the thigh the hind-legs washed, with the entrails, and let all be salted with salt as is fitting for them according to their need, and after this the meal⁹ mixed with oil, and after it all, wine of the drink-offering¹⁰; and burn on them frankincense, and let [all] thy works be in order, and all¹¹ thy offerings be [pleasin]g, for a sweet savour before the Most High God, and [whatsoever] thou doest, do it in order

¹ The Greek *οὐδεγεννα* is simply the transliteration of a reading *אֶרְבָּא* for *אֶרְבָּא* = bay in Syriac.

² *אֶרְבָּא* may possibly be a corruption of *אֶרְבָּא* = *στροβίλος*.

³ *אֶרְבָּא* perhaps for *אֶרְבָּא* = *πίττα* of the Greek.

⁴ *אֶרְבָּא*. The Greek *ἀλβύνα* is based on a transliteration. The word is no doubt *אֶרְבָּא*.

⁵ *אֶרְבָּא* is unintelligible. We give the Greek word to which it appears to correspond.

⁶ Read *אֶרְבָּא*.

⁷ Read, with the Greek, *אֶרְבָּא* = *אֶרְבָּא*.

⁸ For *אֶרְבָּא* read probably *אֶרְבָּא* or *אֶרְבָּא*.

⁹ Syriac *ܐܡܝܢܐ* fine-ground (meal).

¹⁰ Or "pour wine," as the Greek.

¹¹ The Greek read *אֶרְבָּא*.

[by measure] and weight; add nothing¹ which is not [fitting], and fall not short of the account of what is fitting. And the logs that are fitting² to offer for all that goes up to the altar, (are), for the great bullock a talent³ of wood by weight; and if the fat alone is offered, six minae; and if it is a bull-calf⁴ which is offered . . .

* * * * *

Cambridge, col. c.

[and it happen]ed about the ti[me of woman that I was with her, and she concei]ved again [and bare me another son, and] I [call]ed his name [Kohath, for I saw] that to him [would b]e the gathering of all [the people, for] his would be the high [priest]hood [over all Is]rael. In the fo[ur and thir]tieth year of my life was he born, in the fir[st] month [on the fir]st day of the mo[nth] at sunrise. And again I was wi[th her] and she bare me a third son, and I called his name Merari, for it was bitter to me concerning him exceedingly, for as soon as he was born he died, and it was very bitter to me concerning him, because he was like to die, and I besought and prayed for him, and it was in all bitterness⁵. In the 40th year of my life she bare, in the third month. And again I was with her and she conceived and bare me a daughter and I made her name Jochebed (for) [I] sai[d], as she hath born to me honour, she hath born for me glory to Israel. In the 64th year of my life she bare, on the first day of the seventh month after that

Cambridge, col. d.

we entered Egypt. In the sixteenth year we entered the land of Egypt and to my sons [were given] the

¹ כִּנְיָ as in Dan. vi. 18 and in Syriac.

² Reading חֹק for חֹק.

³ Read כֶּכֶר as the Greek.

⁴ The Greek represents a reading כֶּכֶר חֹק for כֶּכֶר חֹק, or in Hebrew כֶּכֶר חֹק for כֶּכֶר חֹק.

⁵ For חֹק בְּכִי בִסֹּד, which gives no sense, read perhaps חֹק בְּכִי בִסֹּד "and I was weeping bitterly."

daughters of my brothers at the time of marriage (?) [and there were born] to them sons. The name of the sons of Gershon, [Libnai and] Shimei; and the name of the sons of Ko[hath, Amra]m and Izhar and Hebron and Uzziel; [and the name of] the sons of Merari, Mahli and Mushai. [And] Amram [took] to him as wife Jochebed my daughter, while I was yet living in the 9[4]th year of my life; and I called the name of Amram, when he was born, Amram, for I said when he was born, this (child) [shall br]ing out the people from the l[and of Eg]ypt. therefore [his name was] called the exalted [people]. On one day [were they born, he] and Jochebed my daughter. Eighteen years old was I when I went in[to the l]and of Canaan and [eigh]teen years old when I slew She[chem] and destroyed the workers of violence. And I was nineteen years old when I became priest and twenty-eight years old when I took to me a wife. And eight and forty years old was I when we went into the land of Egypt, and eighty and nine years I lived in Egypt.

Cambridge, col. e.

And all the days of my life were 1[3]7 years and I saw my sons of the th[ird generation] before I died. And in the [hundred and eigh]teenth [year] of my life, that is the y[ear] in which Joseph my brother died, I called [my] so[ns and] their sons and began to charge them all that was in my heart. I answered and said to [my] sons [Hear] the word of Levi your father

and hearken to the charge of God's beloved;

I give you a charge, my sons,

and I show you the truth, my beloved.

Let the beginning of your works be truth,

and [let] righteousness abide with you for ever.

And tr[uth]

to them the harvest is blessed.

The sower that soweth good, gathereth in good,

and he that soweth evil, his seed returneth upon him.

And now, my sons, a book of instruction in wisdom teach¹
to your sons,
and let wisdom be with you an everlasting honour.
He that teacheth wisdom, she is an honour in him,
and whose despiseth wisdom is given over to contempt,
My sons, behold Joseph my brother,
[who] wrote a book and instruction in wisdom.

Cambridge, col. f.

.... man and increased (?) ... to every co[untry]
and city ... to him brother ... was in it, he is [not like]
a stranger in it, and not li[ke to] a stranger [in it]² and
not like a [foreigner] in it, for they all give him honour in
it, for all desire to learn of his wisdom.

[His] friends are many,
and they that salute him are great ones.
On a seat of honour they set him,
to hear the words of his wisdom.
Great wealth of honour is wisdom,
and a goodly treasure to all that get her.
If there come mighty kings and much people,
and an host and many horsemen and chariots with them,
And take ... country and city,
and spoil all that is in them,
The treasures of wisdom they shall not spoil,
nor find out her hidden things, nor

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¹ Read מלכות.

² לא דם[ה] בה [ל]עבד and לא כמ[ה] נבר הוא בה are dittographs.

CRITICAL NOTICES.

THE HEBREW MSS. IN THE BODLEIAN.

Catalogue of the Hebrew Manuscripts in the Bodleian Library, Vol. II.

By ADOLPH NEUBAUER and ARTHUR ERNEST COWLEY. With an Introductory Note by Bodley's Librarian. (At the Clarendon Press: Oxford, 1906.)

IT is not too much to say that the publication of the present volume marks a new period in the history of Hebrew bibliography, for we are here for the first time presented with a methodical account of a very large portion of the Hebrew literature which for centuries lay hidden in the Genizah vault of the Old Cairo Synagogue, and was only brought to light within quite recent years. Of the 316 volumes described in the new Catalogue, no fewer than 166, containing between them as many as 2,675 fragments, come from this far-famed source; and although opinions may differ as to the exact amount of value that is to be attached to the many new finds¹ that have already been made among these decidedly miscellaneous collections of texts, even the least enthusiastic cannot fail to recognize that they are at any rate of much more than ordinary interest. Even in the case of works that have been known before in either printed or manuscript form, their text is, as Mr. Cowley rightly observes in his preface to the present volume, usually worth collating on account of the comparative antiquity of most of the fragments.

The 150 volumes which hail from sources other than the Genizah of course also offer very many points of interest; and if to the great wealth of fresh material thus made known be added the fact that the entries are uniformly so described as to help forward further research, and that students are furthermore very materially assisted by the indexes and other tabulated statements which accompany the descriptions, the amount of our debt to the learned Bodleian librarians whose names figure on the title-page will at once become apparent.

Future workers will, of course, be able to add much to the information that is here offered. Many fragments also which perforce had to be entered without title or author's name will no doubt in the course of

¹ See Steinschneider, *Zeitschrift für Hebräische Bibliographie*, vol. X, pt. 3, pp. 89, 90.

time be duly identified and more fully described. But the future labours here contemplated are now for the first time made possible by the publication of the volume before us, which will indeed not only prove an excellent guide to the Bodleian MSS. themselves, but will also be found to offer substantial assistance in the description of the many Genizah fragments that are deposited in other libraries.

In the present notice we propose to give first a brief survey of the literature described in the Catalogue, and then pass on to a consideration of the method of cataloguing Hebrew MSS. as exemplified in the present work. Before doing so, however, it seems right to refer to Mr. Cowley's statement at the beginning of his preface regarding Dr. Neubauer's share in the work. The first two sheets, i. e. down to col. 32, were printed off before Mr. Cowley's participation in it began. From 1896 to the end of 1899 the two scholars collaborated in the preparation of the descriptions, their joint labours in a measure continuing as far as col. 226, the end, in fact—as will be seen presently—of a distinct and separate part of the Catalogue. From that point to the end Mr. Cowley has been in sole charge of the work.

The MSS. described in the new volume fall into two divisions. Nos. 2603-2813 (it will be noticed that the numbering is taken up from Dr. Neubauer's first volume) constitute the first part, and Nos. 2814-2918 (cols. 227-420) are "Later Acquisitions." The "List of Shelfmarks" which precedes the descriptions at the same time provides a guide to the provenance of the MSS., so that no doubt need be left in the student's mind as to whether a fragment or entire work comes from the Genizah or some other source. The first part is divided into the following sections: "Biblical Fragments," "Translations," "Midrash," "Commentaries and Supercommentaries," "Talmud and Commentaries," "Liturgical Fragments," "Theology," "Masorah, Grammar, and Lexicography," "Kabbalah," "Poetry," "Mathematics," "Astronomy and Magic," "Medicine," "Polemics," "History," "Miscellaneous." The second part, which is only slightly smaller than the first, is arranged under the headings: "Biblical," "Talmud," "Liturgy," "Miscellaneous."

It will be noticed that the number of sections in the second part is much smaller than in the first. This departure from the more elaborate division of the earlier portion is fully justified by the fact that by far the larger number of the volumes are of so miscellaneous a character that the arrangement under special sections does not at all correspond to the actual contents. The first leaf or two of a volume of fragments may, for instance, suggest its being placed under the section "Bible," but the larger part of it may belong to any other conceivable subject. It was, therefore, wise to describe

Nos. 2858-2918 (as against Nos. 2811-2813 in the first part) under the heading "Miscellaneous."

Out of the very large number of noteworthy points in the MSS. described we select the following for special mention:—At the outset we find the term *מחזור של תורית* in a fragment of a Pentateuch (No. 2603, 1) which changed hands in 976 after the destruction of the second Temple (A.D. 1046). The different uses of the term *מחזור* in mediaeval MSS. still await full tabulation, and a special index of unusual terms and of usual words employed in an unusual sense would be helpful. We note that *מחזורא רובא* is duly entered in Mr. Cowley's Hebrew and Arabic Index. The Haptārōth of the triennial cycle treated by Dr. Büchler in the *J. Q. R.*, V, p. 420 sqq., VI, p. 1 sqq., meet us in Nos. 2603, 19; 2615, 18; and elsewhere. In No. 2608, 2, the word *תרפים* is translated by *מטלמאכ*, thus curiously connecting what is now commonly regarded as images of ancestors with the heavenly bodies. One of the tasks which the cataloguers have partly left to future workers is the strict classification of MSS. into Rabbanite and Karaite. Thus No. 2624, 11 is manifestly Karaite. No. 2628, 31 contains an Arabic translation and "a rational commentary on Chronicles," the author often pointing out contradictions between statements found in the Books of the Bible; and it may here be remarked that a systematic study of Jewish mediaeval rationalism is still a "desideratum." The *Jewish Encyclopaedia* affords but little help in this matter. No. 2633 contains a "Collatio Hebraici codicis cum codice Hebraeo-Samaritano," and it might therefore prove useful to Dr. von Gall in his forthcoming edition of the Hebrew-Samaritan Pentateuch (see *Stade's Zeitschrift*, 1906, II).

Under the heading "Midrash" we notice an interesting codex of the *ילקוט שמעוני*, dated A.D. 1307 (No. 2637), which should prove useful for collation with the printed editions and other MSS. Shortly before (in No. 2635) we meet with *מנן אבות*, "an extended commentary on Aboth de R. Nathan by Yom Tob, son of Moses Zahalon, the Sephardi," a "unicum" which Professor Schechter found so useful on account of the *נוסחא ב'* of the text which it embodies (see his edition of *אבות דרבי נתן*, p. xxx). The fragment of the *מכילתא* described under No. 2659, 1, conjectured by the cataloguers to be part of the *שמעון יוחאי מכילתא דר'*, is, in fact, found in the printed text of that work (see ed. Hoffmann, p. 12). No. 2660, 7 contains two fragments of the *הלכות נדולות* which will probably be found worth collating. In this connexion the British Museum fragments of the *הלכות נדולות* embodied in the MS. Or. 5531 (also from the Genizah) may be mentioned. No. 2667, 15 presents us

with a compendium of **בבא כז"ע**. Highly interesting is No. 2670, containing for the most part responses and letters of famous men, and incidentally throwing light on various historical and literary matters. No. 2672 (a palimpsest) contains portions of the Jerusalem Talmud written over Jeremiah, ch. viii, in Georgian. With regard to No. 2696, where the ritual treatise entitled **סדר מדיין** is described, one wonders whether this curious appellation bears any relation to the title "Masḥafa Tomar," the Ethiopic name of the miraculously sent-down "Sunday Letter" which has enjoyed such wide-spread publicity in Europe and elsewhere, and with which Abraham ibn Ezra's **אגרת השבת** has been brought into relation¹. The mention of **אחרי הפרגוד** in the scribe's colophon suggests a miraculous agency in connexion with the naming of the work.

The name **חזקוני** found twice in No. 2724 represents **כ"ח** by **סע"ד** (see e. g. Steinschneider, *Arabische Literatur der Juden*, p. 260). The Yemenite poets are rather given to this kind of permutations. It is part of the mild kabbalistic tendency to which they are addicted. In the Brit. Mus. Or. 4114, **נמטריא** is likewise introduced in the substitution of **נ"ף** for the name **יוסף**, the numerical value of the two words being the same. No. 2700 contains a Prayer-book according to the rite of Egypt. No. 2711 appears to represent the ritual of Fez or some other North African locality or country, but the description "Sephardic rite" is applicable enough. Attention should also be drawn to No. 2741, **מ' מארבע פרשיות עשאו החכם השלם שן** 1, **יוסף נאדר דאיינש** ([i. e. Aix]

No. 2769 contains a long and interesting collection of poetical pieces. On fly-leaves attached to No. 2773, 11, are some of those lists of books which delight the eye of a modern collector. No. 2776, 5, embodies "an appeal by a Karaite to his brethren to gather in Jerusalem, since Islām is favourable to Karaism." With this compare the statement of a Karaite author in Pinsker, **לקיט קרמניות**, p. 73:—**וכאשר קמה קרן ועירא נתן פתחון מה לבעלי המקרא וכו'**. In this connexion see S. Poznański, *Revue des Études Juives*, vol. XLIV, p. 165².

The fables described in No. 2765 remind one very strongly of the style and manner of pictorial illustration employed in Isaac Sahulāh's **משל הקרמני**. May it not be the case that the same author composed

¹ See the comprehensive edition of texts in Greek, Armenian, Syriac, &c., by Dr. Maximilian Rittner, Wien, 1905 (*Denkschriften der Kais. Akademie der Wissenschaften*, Band LI, 1).

² **סן יוסף**, apparently = Saint Joseph, is remarkable as a Jewish name.

³ On this and some other points touched upon in this notice, see also S. Poznański, *Zeitschrift für Hebräische Bibliographie*, X, pp. 139 sqq.

another series of fables which have so far not been printed? Nos. 2842-3 present us with a Singalese ritual which embodies some variations from the printed text, and also contains many additional pieces. The כתאב אלאכתלאג תאליף שם בן נח עליו השל' of No. 2857, 7, reminds one of the kabbalistic book of healing given by an angel to Adam, and then successively to Enoch and Shem (see the beginning of ספר רפואות לאסף היהודי . . . ונקרא שם בן נח עליו השל' (ס' רזיאל' (see Benjacob, *אוצר הספרים* p 549). In substance, however, the כתאב אלאכתלאג no doubt stands in close relation to the "Prognostics from convulsions (רפפא)," contained in e.g. the Brit. Mus. MS. Or. 2084 (Syriac). In No. 2878, 33, a letter is addressed to כלל הקהל. Instead of רמסים one is strongly inclined to read רמסיס, the name of an Egyptian town found in other Genizah documents; but if any connexion with רעמסס be supposed here the name ought to be interesting to an excavator like Prof. Petrie, who describes his recent discovery of the ancient site in *Hyksos and the Israelite Cities*.

Of the immensely important Aramaic Papyri of the fifth century B. C. (No. 2881, &c.) one need not say much here, as future investigation on the subject will no doubt centre round the splendid recent publication entitled *Aramaic Papyri* by Sayce and Cowley. Of special importance for mediaeval Jewish history are the Genizah letters and documents bearing on the history of the Geonim and their associates as well as social life in general (e. g. Nos. 2875-8). The documents of this kind that have already been published make one wish for an edition of all the extant material in a separate volume. With the rite of אבס (i. e. of Asti, Fossano, and Moncalvo; No. 2893) should be compared the Brit. Mus. MSS. Add. 19664, Or. 2733-4 (all three being distinguished by notes in an Italian hand modifying the original Franco-German rite). We remark lastly that No. 2905 is a work by Moses Cordovero. Extracts from it are contained in the Brit. Mus. MS. Add. 19788, fol. 55 a sqq., where the following heading is found: זה קיצור מועתק מ' וזהר חדש מהרמק על שיר השירים מלוקט ממנו.

In speaking of the method of cataloguing employed in the work before us, it is necessary to bear in mind that Drs. Steinschneider¹ and Neubauer are the joint inaugurators of the modern scientific manner of describing Hebrew MSS. The aim of these two leaders has throughout been the same. It is that of producing in the

¹ This notice was finished before the lamented death of the great teacher took place. There is no need to make any alteration in the text; but it is only fitting to pay here a special tribute of respect to one who was the greatest Hebrew bibliographer the world has yet seen.

student's mind a clear, definite, and accurate notion of each work dealt with, and to show its position in the class of literature to which it may happen to belong. A careful delineation of authors' names and dates, a record of scribes and owners, and various other bibliographical details, form the framework in which all the descriptions are set. So far our two great cataloguers follow the same path. But in the mode of realizing their common aim they differ greatly. Dr. Steinschneider cultivates extraordinary fullness of detail, and he is never tired of tracing a name, a date, or any other interesting point, through all its possible bibliographical windings. Dr. Neubauer, on the other hand, limits himself to what he regards as the details necessary for cataloguing purposes. He indeed very often puts in a hint or two to guide the student on his path of further research, but his descriptions are all the same uniformly concise and circumscribed in range. It is, in fact, hardly incorrect to say that Dr. Neubauer's descriptions of MSS. bear almost, though not quite, the same relation to Dr. Steinschneider's Hebrew MSS. Catalogues as Zedner's excellent, but brief, entries of Hebrew printed books bear to the Catalogue of the similar collection of books at the Bodleian. Both scholars are—as indeed Zedner also was in his own line—bibliographical artists, more or less; for even great elaboration of a number of details need not necessarily destroy the symmetry of the whole. Each of them builds on a certain well-matured plan of his own, and each at any rate desires to observe balance and proportion within his own structure.

If one is asked, which of the two methods is to be preferred to the other, the answer must be that there are advantages on both sides, and that it is, perhaps, as well that the two kinds of works should co-exist. For against the greater amount of information imparted on the wider method may not unfairly be set the saving of time and space that is effected by the shorter scheme. In the one case the object is to exhaust all that can bibliographically be said on any given point; in the other a much larger number of works can, in their general features, be made known to students within a given time. A third plan that might be adopted consists in first publishing a brief but carefully tabulated account of a collection of MSS., and then proceeding to prepare a catalogue on a full scale; but this alternative has no practical bearing on the case now before us.

In the new Bodleian volume, then, the method employed by Dr. Neubauer in the volume published in 1886 reappears, with some few modifications, in all its admirable conciseness and clearness. The continuity of method was, in fact, unavoidable in the present instance; and one may add that the work would—to the regret of

many—have had to delay its appearance if the wider method had been adopted. But whilst rightly making the present volume uniform with its predecessor of 1886, Mr. Cowley and Mr. Nicholson are fully aware of the advantages offered by the fuller plan of work. In his "Introductory Note" Bodley's Librarian writes as follows:—"There were powerful reasons for not attempting in this volume any considerable new departure in cataloguing . . . A much more advanced standard of detailed description has, however, been adopted of late years for the cataloguing of Bodleian MSS., and may be expected to be followed in the next volume of the catalogue. I hope also that within the next decade it may be possible for Mr. Cowley to undertake an appendix to vols. I and II, which will give the student all the supplementary palaeographical and historical information which it may be desirable to add."

The Bodleian Library thus gives us an excellent instalment worked on the old system, and it at the same time promises more on a fuller scale for the future. Something remains, of course, to be learnt from such oriental cataloguers as the late Drs. Wright and Rieu, who in an eminent degree, combined clearness with fullness; but in the meantime we are genuinely grateful for the present gift, both as a work admirable in itself and as an earnest of greater things to come.

G. MARGOLIOUTH.

DR. KARPELES ON NINETEENTH CENTURY JUDAISM.

Jews and Judaism in the Nineteenth Century, by GUSTAV KARPELES.
Translated from the German. Philadelphia (the Jewish Publication Society of America), 1905, pp. 83.

DURING the winter 1899-1900 Dr. Karpeles lectured to the *Verein für jüdische Geschichte und Litteratur*, at Berlin, on Jews and Judaism in the nineteenth century. Our enterprising American coreligionists did not even wait for the lectures to be published in the original. The translation before us was made from the author's unpublished MS., and English readers may well feel grateful for having these lectures made accessible to them.

Delivered before a mixed audience, these four lectures do not pretend to be anything more than popular addresses. But they are interesting and stimulating, and form a welcome addition to the author's valuable services towards the popularization of Jewish history and literature. Dr. Karpeles is here chiefly concerned with German

Jews and Judaism in the nineteenth century, though he by no means altogether ignores the English, French, or American Jewries. The predominant share which German Jews and Judaism occupy on our author's small canvas is no doubt partly due to the fact that Dr. Karpeles was addressing a German audience. But there may have been also another and more weighty reason. The eighteenth century in Judaism was a period of transition from the old to the new, a period of dawning dissatisfaction with the old. It was in the nineteenth century that the struggle commenced in good earnest. And Germany was the chief battle-field of this keen spiritual conflict between the old and the new. Although the Reform movement, which largely represents this conflict, has found most adherents in America, it was on German soil that its chief battles were fought. Hence German Jewry may well claim the lion's share in any summary account of nineteenth century Judaism.

At the beginning of the nineteenth century the old and the new confronted each other in uncompromising antagonism. "Put the two names Hirschel Lewin and Rahel Levin next to each other, and the whole abyss yawning between the old and the new is uncovered. Hirschel Lewin, the chief rabbi of the Berlin community at the beginning of the century, is the representative of the old ; Rahel Levin, the wife of Varnhagen von Ense, is the typical representative of the new. These two did not speak the same language. From Rahel's *salon*, in which noted diplomats, princes of the intellect, members of the royal family, poets, and warriors moved on a footing of intimacy, no bridge led to the synagogue of the Heiderreutergasse, where the services were conducted entirely in Hebrew, with as strict a regard to tradition as in the remotest corners of Russia or Galacia. Compromise was out of the question, an agreement not to be thought of, a separation inevitable." Hence the appalling frequency of baptism among German Jews. And things might have been worse but for the influence of the more modern rabbis and preachers. It is quite refreshing to read our author's good opinion of modern preachers. "Only the preachers who with their modern education and their oratorical ability entered the lists as the champions of Judaism, only they succeeded in awakening religious sentiment in the educated classes, who had felt disgraced by their religion and their co-religionists." It was, of course, the whole aim of the Reform movement to bridge over this dangerous gulf between the old and the new. And Dr. Karpeles rightly claims for it three important achievements tending towards this end. "To the unbiassed observer, raised above party issues, it seems like an indisputable fact that in Europe at least the party of more moderate reform has gained greatest

headway. One thing cannot be denied, that three great achievements accomplished solely by this party have through it worked for the common weal of the whole body of religious Jews. The three achievements are: a well-regulated public service, sermons delivered in the language of the land, and systematic religious instruction. One cannot estimate these achievements too highly, for after a period of utter degeneration Judaism through them was brought back to introspection and a self-conscious purpose."

Dr. Karpeles devotes considerable space to anti-Semitism and its baneful effects. But oppression from without, and defection from within, though they depress our author, do not make him despair. He still firmly believes in Israel's mission, as the efficient and the final cause of Israel's past and future existence. And he advocates it with a warmth that cheers and stimulates.

The translation as a whole is very readable, though when one reads such a sentence as "The rapid progress of the Jew in modern living is astounding," one is inclined to suspect the translator of indulging in a little sly sarcasm of his own.

A. WOLF.

TWO VOLUMES OF RABBINIC SELECTIONS.

*Tales from the Talmud*¹ is a careful compilation which will appeal to Jew and Gentile alike: it is not a mere *réchauffé* of the works of previous writers, but a florilegium of selections skilfully collected and arranged with taste and judgment. Mr. Montague surveys old ground with modern glasses, his manner is felicitous, and he presents his material in a readable and attractive form; in short, his book stands in striking contrast to the inaccurate and slovenly productions dealing with Talmudica, which we know too well.

Two blemishes, which can well be remedied in a second edition, are the lack of an index and references, and the excessive space devoted to what may be called the "comic" element. A general reader, unacquainted with the Talmud, would carry away with him the idea that the bulk of matter contained in its endless pages was of a trivial or ludicrous nature. Mr. Montague, in his preface, pleads that "he comes but to amuse," still, he takes a somewhat undue advantage of his privilege.

To turn to detail.

We entirely endorse Mr. Montague's view, that an extraordinary statement in the Talmud is generally an expression of opinion on the part of one individual, not the consensus of all the Rabbis. Hence any one who looks into the Talmud for the purpose "of confirming previously formed theories may easily find in such a mass of material, statements, which . . . appear to support any view he has formed." This view is very well put. Many things which seem to us nonsensical and extravagant have a *raison d'être* which we do not always grasp. If we realized circumstances and causes we could then more easily comprehend the results. Thus, many instances of hair-splitting and casuistry, "the titthing of rue and cummin," are nothing but dialectic exercises; such cases were never intended for practical use. The most modern and scientific code of laws must provide for unlikely and improbable cases; similarly, the Talmud, an encyclopaedia, code, and many other books in one, cannot justly be blamed for the same fault.

Mr. Montague has perhaps been a little hard on the Talmud on the ground of its lack of co-ordination. It is true that no order of time or subject is followed, but the arrangement of matter by association of ideas is a mnemonic help. The principle of מלתא לטו אורחא is all the more natural when it is remembered that the Talmud was unprovided with an index and that it existed for centuries in an unwritten

¹ *Tales from the Talmud*, by R. Montague, Blackwood.

form, when the preservation of the integrity of its text would depend on the memory alone.

So also on p. 5: "The ... reader ... will find things which a modern regards as of the utmost importance, set down beside things which seem to him utterly trivial." This is, of course, correct; but such a state of things is inevitable under a system which includes morality, manners, and municipal by-laws under its religious legislation. Such a grouping tends, it may be argued, not to belittle the great, but to magnify the small. "Do not weigh one command against another, for thou knowest not the relative worth of either," also prevents the doing of evil for the sake of ultimate good, and sets wholesome though by no means rigid bounds to the vagaries of private judgment in theology. Mr. Montague's explanation of this tendency (p. 71), "that the ancients had a *different* sense of proportion, a *different* way of looking at things," is one which we may accept, with perhaps the substitution of "better" for "different."

We cannot quite agree with the theory (p. 112) that "the Rabbis may have found ... a significance in the resemblance between the Hebrew consonants of *Rome* and *Edom*." This would be quite contrary to philology. It is usually held that Bible names, for example, are assonances to, rather than actual etymological derivations from those words and circumstances to which the text refers them, e. g. Moses, Babel; Edom, in the mouths of the Rabbis, is an historical, not an epigraphical pseudonym for Rome. Instances are frequent; in the story of the Rabbis of בני ברק in the Hagada for Passover, צִיָּאָה מִצִּירִים obviously refers to the abortive "Exodus from *Rome*," under Bar Kochba.

The chapter on Demons is very interesting. It may, however, be pointed out that "evil spirit" very often is only another way of expressing an abstract idea. Hebrew language and mind prefer the concrete, where we should substitute abstract ideas, such as "danger," "infection," "wickedness." Thus a man should wash his hands every morning on rising on account of the "Evil Spirits" (i. e. uncleanness), which cling to them. Perhaps, too, the "Evil Spirit" (page 172, line 13) is a euphemistic alternative for some particular gang of brigands whom it was not safe to mention, either on account of their superior strength or because of the danger of "evil eye" incurred by uttering their names. This theory, though it would harmonize with the context, which refers to two other classes of depredators, is of course pure conjecture.

In considering the origin of the belief in "Powers of Evil" (p. 171), later Gnostic, as well as Zoroastrian, influences should be regarded;

it may also be added that this belief develops the status of a fairy tale rather than a superstition, and this position is its justification, for allegory is always good till it is taken in gross reality.

We are pedantic enough to cavil occasionally at the transliteration, e.g., p. 138, צַיִר "zaychare."

Although, as stated above, the preface claims that the book is a collection of the quaint and bizarre only, yet Mr. Montague's able treatment of the subject makes us regret the somewhat insufficient space devoted to "Gematriah." We feel, too, that the homiletic and ethical application of stories—and this is surely their *raison d'être*—has not always been insisted upon, but here again this point is perhaps outside the aims of the book.

It is not so contrary to actual fact that foreigners of noble rank should have displayed a desire to know things Jewish (p. 253). It suffices to recall ELEGABALUS and AGRIPPINA, or, to take a more creditable example, the "man of great authority, under Candace, queen of the Ethiopians, who had charge of the treasure" (Acts viii. 27). Mr. Montague lays slightly too much stress on the examples which he adduces.

In conclusion, we may point out some excellent and carefully written passages: pp. 283 sqq., 286 sqq. Lack of space prevents the inclusion of extracts, but we heartily welcome this addition to English Talmudica.

*Tales and Maxims from the Midrash*¹, by the Rev. Samuel Rapaport, is a book based on a different plan to that followed in Mr. Montague's volume. It is a successful endeavour to satisfy the student while instructing and amusing the unlearned reader. The general public are well cared for, and, notwithstanding, the demands of the scholar are given due prominence, less room having been found for the lighter element. The plan has been thought out carefully, and executed in an orderly and methodical manner. An explanatory sketch gives a clear and concise account of the growth of the *Midrash*, and defines *Agada* and *Halacha*. We recommend the chapter to lay readers and to Christian students of Jewish theology. This introduction is followed by some chapters on subjects round which the web of fable and tradition has woven many interesting stories, viz. Alexander the Great, Demons, Ashmedai, king of Demons, and the Messiah. After these we get fourteen chapters, each devoted to a separate *Midrash*, and, finally, an excellent index.

The source of every extract has been given, and some footnotes

¹ *Tales and Maxims from the Midrash*, by the Rev. Samuel Rapaport; London, George Routledge.

have been added here and there. The author has presented, in a systematic form, a mass of material which, it is easy to see, has been taken first hand from the original; hence the book not only provides attractive reading, but also serves as a reliable store of reference, of which subsequent writers may freely and unhesitatingly avail themselves. The work, which has been done so well, should offer an example and encouragement to others. Much is still to be accomplished, and now that this book has rendered the subject available to the wider circle of English students, the path of the pioneer should be followed by an enthusiastic crowd. To give only a few instances, "which call out, explain me," what could be more welcome than an essay on the use of Jewish fables by non-Jewish writers? Thus, on page 116, we have Sancho Panza's story of the gold coins concealed in a hollow cane. On page 121 we read:—

"Do not enter any house without some indication of your coming, such as knocking at the door; even in your own house you should not make your appearance suddenly or unexpectedly; something may be going on there which, however innocent, may cause you annoyance, and may lead to a want of peace and harmony in your household." (*Lecit. Rabba*, 21.)

And we are at once reminded of the xxivth Surah of the *Quran*:—

"Ye who believe! do not enter houses, save your own houses, until ye have asked permission . . . this is good for you, haply you will be warned. And if it be that ye find none within, then enter not till leave be given."

What could be more entertaining and instructive than an excursus on Rabbinic conceptions of etiquette and the relation of *דרך ארץ* to religion: "Manners makyth the man," and much may still be written with advantage on the comparison of Jewish and other social codes.

The incident on page 92 suggests the mysterious worship of the Ophites, and opens up trains of thought as to Talmudic references to snake worship; a new treatise on this curious sect and what the Rabbis thought and said about them, would well repay the writing.

Then the chapter on Alexander reminds us that the last word has yet to be spoken on the attitude of the great conqueror towards the Jews. It is by no means certain that the traditional account is pure fiction. Who formerly believed in the letter of Aristæus? And yet subsequent researches have brought about a great modification in our ideas as to its authenticity. So, too, the story of Alexander and the High Priest must not be dismissed without due consideration. It would indeed be strange if the *Midrashic* accounts did not rest on a substratum of historical truth.

Something also might be added to the vast literature dealing with the founder of Christianity and the Talmud. We have the stories of "the mote in thy brother's eye" (Matt. vii. 3; Luke vi. 41) on page 207; the "widow's mite" (Luke xxi) on page 203; on page 113 the injunction contained in Luke xiv not to take the first places at table.

It is true that occasionally Mr. Rapaport has allowed himself to add a footnote, but we feel that he has been restraining his energies for another occasion. We look forward to a companion volume from his scholarly pen, giving the application of the fables, their subsequent history, the facts which they embody, and the truths which they teach. It might include a few special studies dealing with points similar to those raised, and perhaps an essay on the manner of thought of the Rabbis, showing their didactic and deductive methods and explaining the reason for some of their less obvious statements.

Incidentally we prefer the usual form "Hyrchanus" to "Horkynas" (p. 3), "Sanballat" to "Sanblat" (p. 10), and "Pausanias," the murderer of Philip of Macedon, to "Pisanus."

Mr. Rapaport's learning fits him peculiarly for the task of fashioning the material which he has given us into a companion volume to complement this present work, and if, as the preface states, *Tales and Maxims* is his *אגדה ופנינים*, we may express the hope that it will not be an only child.

HERBERT J. LOEWE.

“THE OLD TESTAMENT IN THE MISHNAH.”

GEORG AICHER, *Das Alte Testament in der Mischna.* (*Biblische Studien*, herausgegeben von Prof. Dr. O. Bardenhewer, XI. Band, 4. Heft.) Freiburg im Breisgau, Herder'sche Verlagshandlung, 1906. xvii und 181 Seiten 8°.

DER Verfasser hat sich die Aufgabe gestellt, die “Hermeneutik der Mischna” wissenschaftlich zu untersuchen, also aus der Gesamtheit des tannaitischen Midrasch den in der Mischna enthaltenen Midrasch herauszuheben und diesen Theil eines ungewöhnlich grossen Ganzen zum Gegenstande besonderer systematischer Darstellung zu machen. Der Verfasser ist sich zwar dessen bewusst, dass, “da die Mischna nicht *ex professo* sich mit der Schrift befasst,” “die Ausbeute in diesem Punkte nicht ergiebig ist”; aber da ihn die bisherigen Arbeiten über die tannaitische Schriftauslegung nicht befriedigten und ihm speziell für die in der Mischna enthaltene Bibelexegese nicht als Vorarbeiten gelten können, unterzog er sich der Aufgabe, die in der Mischna enthaltenen “einzelnen Schriftbeweise nach ihrem Inhalte zu prüfen” und “nach den sich daraus ergebenden Grundsätzen zu sichten.” Es ist gewiss eine an sich sehr dankenswerthe Aufgabe, den exegetischen Bestandtheilen der Mischna eine besondere Beleuchtung zu widmen und damit einen wichtigen Beitrag zur Kennzeichnung dieses gewissermassen centralen Werkes der jüdischen Traditionslitteratur zu liefern. Und der in der Mischna sich findende bibelexegetische Stoff ist trotz der sekundären Stelle desselben innerhalb des Mischnatextes quantitativ durchaus nicht unbeträchtlich. Nach den Zahlenangaben bei Weiss, *Dör dör weddreschaw* (Aicher hat dieses Werk nicht benützt), II, 211, enthält die ganze Mischna, abgesehen vom Aboth-Traktate, über 280 Schriftauslegungen, von denen 65 agadischen, die übrigen halachischen Inhaltes sind. So ansehnlich diese Zahl auch ist, zu einem vollständigen und abgerundeten Bilde von der in der Mischna zur Geltung kommenden Hermeneutik genügen diese Beispiele des tannaitischen Midrasch doch bei weitem nicht. Denn dieselben sind ja in die Mischna nur nebenher, gewissermassen zufällig aufgenommen worden. Den Inhalt der Mischna bilden die Halachasätze, wie sie nach den verschiedenen Gebieten des Religionsgesetzes zusammengestellt und geordnet wurden: wenn zuweilen auch die bibelexegetische Grundlage der Halachasätze in die Mischna Aufnahme fand, so kam dies daher, weil man, trotz der Sonderung der beiden Disciplinen Halacha und Midrasch, sie nicht immer auseinanderhielt und beim Tradieren einer Halacha aus irgend einem Grunde auch den dazu gehörigen

Midrasch beifügte. Der Verfasser kennt diesen Thatbestand, aber er liess sich dadurch nicht abhalten, die Mischna für sich auch als Quelle des Midrasch zu betrachten und ihren sekundären Bestandtheilen eine selbständige Bedeutung zuzuerkennen. Trotz der Bedeutung der Mischna, als der wichtigsten und der allein sanktionirten Sammlung der tannaitischen Halachasätze, gewinnen aber die in ihr enthaltenen Midraschsätze durch den Umstand, dass sie in der Mischna stehen, keinen erhöhten Werth. Der Midrasch in der Mischna ist nur ein Theil des gesammten tannaitischen Midrasch und dürfte nur in Verbindung mit dem Ganzen zur Charakterisirung der tannaitischen Schriftauslegung verwerthet werden. Der Verfasser hat sich also eine Aufgabe gestellt, die an sich unberechtigt ist. Nichtsdestoweniger hat er dieser Aufgabe soviel ernste Bemühung und fleissige Forschung gewidmet, dass sie als Beitrag zur Beleuchtung der tannaitischen Bibelexegese, sowie zur Darstellung des Inhaltes der Mischna sich würdig anderen Arbeiten anreihet, mit denen in neuerer Zeit nicht-jüdische Gelehrte sich an der Erforschung der jüdischen Traditionslitteratur betheiligt haben.

Nach einem längern Vorworte (S. vii-x) giebt der Verfasser eine Liste der von ihm benützten Texte (xiii f.), sowie der neueren, von ihm in abgekürzter Form citirten Schriften (xv-xvii). Die letztere Liste zeigt, dass der Verfasser die einschlägige Litteratur in reichem Maasse herangezogen und seinem Zwecke dienstbar gemacht hat. In der Einleitung (S. 1-4) ist eine kurze Orientierung über die Mischna und ihre Entstehung dargeboten. Der erste Theil ist betitelt: *Die Wertung der Heiligen Schrift in der Mischna*, und beantwortet folgende, als Titel der einzelnen Abschnitte dienende Fragen: 1. "Wie stellt sich die Mischna zum Kanon?" (S. 6-37). 2. "Kennt die Mischna einen Wertunterschied der einzelnen Bücher?" (S. 34-47). 3. "Welche Eigenschaften schreibt die Mischna der Heiligen Schrift zu?" (S. 47-53). Die Formulierung dieser Fragen schreibt einerseits der Mischna eine Sonderexistenz zu, während im Grunde nur von den Urhebern und Lehrern der Mischna, von den Tannaiten, die Rede sein kann, wenn solche Fragen aufgestellt werden; andererseits werden an die so gleichsam hypostasierte Mischna Fragen gestellt, über die aus ihr nur zufällige oder lückenhafte Antwort zu holen ist. Immerhin aber durfte der Verfasser, nachdem er sich die Aufgabe einmal so gestellt hat, dass er die Mischna allein als Quelle der Bibelexegese zum Gegenstande seiner Untersuchung machte, diese zur Einleitung in die heilige Schrift gehörenden Fragen nicht umgehen und seine Forschung auch auf die dabei in Betracht kommenden Einzelheiten der Mischna ausdehnen.

Bei der ersten, am ausführlichsten besprochenen Frage ist der

Verfasser selbstverständlich genötigt, das die Sammlung und Sanktionierung der zum 'Kanon' gehörenden Schriften betreffende Datenmaterial zumeist ausserhalb der Mischna zu suchen und im Zusammenhange mit demselben die irgendwie in Frage kommenden Mischnastellen zu beleuchten. Aicher huldigt in Bezug auf die Entstehung des alttestamentlichen Kanons der Anschauung, dass die Sammlung der "Propheten" keineswegs abgeschlossen war, bevor der Kanon durch die Hagiographen vervollständigt wurde. Diese Anschauung ist unhaltbar und es ist dem Verfasser nicht gelungen, die bekannten Beweise für das Vorhandensein von Thora und Propheten als fester Sammlung vor Hinzutreten der anderen Schriften zu widerlegen, oder stichhaltige Beweise für seine eigene Anschauung vorzubringen. So sagt er z. B. (S. 8): "Gegen eine Fixirung der Prophetenschicht zeugt auch der Umstand, dass bis in die talmudische Zeit herein ein eigentlicher Name für die dritte Schicht der Sammlung nicht existirt." Aber wenn auch im Ausspruche Akiba's (M. Jadajim, III, 5) כְּתוּבִים nicht die "Hagiographen" bedeuten würde, so gäbe es genug tannaitischer Beispiele für diese Bedeutung des Wortes. Die Gruppierung: חֻרֵה נְבִיאִים וְכְתוּבִים gehört ohne Zweifel der tannaitischen Zeit an. Ich citire nur die Baraitha, Bata Bathra, 13 b, die von dem Zusammenbinden der drei Theile der hl. Schrift zu einem Bande spricht und die Ansichten zweier Schüler Akiba's, Meir und Jehuda, mittheilt. Die Institution der Haphtara, die in der Mischna (Megilla, IV) zum Gegenstande verschiedener Normen gemacht ist, beweist unwiderleglich die Anerkennung des prophetischen Kanons als eines Ganzen, dem die nachher zu den Hagiographen gerechneten Schriften niemals angehört haben. Aus der Mischnastelle Rosch Haschana, IV, 6 (die Aicher, S. 35, auf missverständliche Weise benützt) hätte der Verfasser ersehen können, dass zu liturgischem Zwecke Stellen aus den drei Gruppen des Kanon gewählt wurden, wenn er die Mischnastelle durch die Toseftastelle (R. H., IV, 6, ed. Zuckerman, S. 212) ergänzt hätte. Auch die Angaben über das Aneinanderreihen von Bibelstellen aus den drei Gruppen des Kanons zum Zwecke der Deutung betreffen tannaitische Autoren, wenn sie auch erst in amräischen Quellen verzeichnet sind (s. *Terminologie der Tannaiten*, I, 65, Art. חָרִי). Unzweifelhaft war כְּתוּבִים schon in tannaitischer Zeit die feststehende Bezeichnung der dritten Gruppe der biblischen Schriften; die bekannte Baraitha in Baba Bathra, 14 b, spricht ausdrücklich von סֵדֶרֶן שֶׁל נְבִיאִים und סֵדֶרֶן שֶׁל כְּתוּבִים.

Der Verfasser giebt ein dankenswerthes Verzeichniss der Mischnastellen, an denen Bücher des Kanons mit Namen angeführt sind, sowie derjenigen, an denen Bibelabschnitte mit Namen oder mit den Anfangsworten bezeichnet werden (S. 16-20). Nützlicher wären

diese Verzeichnisse, wenn sie anstatt der Reihenfolge der Mischna-traktate die Reihenfolge der biblischen Bücher befolgten. Mit Unrecht betrachtet Aicher (S. 20) den Ausdruck **מִקְרָא** in Sota, VII, 2, 3 und Makkoth, III, 14 als Synonym zu **פֶּרֶשׁ** (Abschnitt). Vielmehr ist das Wort **מִקְרָא** hier als *Nomen actionis* zu verstehen ("das Lesen, das Recitiren"). — Nähere Beleuchtung erfahren die Angaben über das "Verunreinigen der Hände" und über die "Beseitigung" oder "Aufbewahrung" (**נִיזוּחַ**), mit Heranziehung der verschiedenen Ansichten. Die Tosephta-Stelle Sabbath, XIII, 1: **אֵל שׁוֹנִין וְדוֹרְשִׁין בָּהֶן** erklärt A. unrichtig so (S. 28, Anm. 4): "dass zum Zwecke des Mischnastudiums und des Midrasch die Schriftlektüre erlaubt sei." Vielmehr ist damit gesagt, dass man den Bibeltext zwar nicht lesen, aber auswendig recitieren (das bedeutet hier **שִׁנָּה**) und auslegen darf (s. *Tann. Termin.*, S. 194).

In der Beantwortung der zweiten Frage (über den Werthunterschied der einzelnen Bücher) bespricht der Verf. besonders den Ausdruck **קְבִלָּה** als Bezeichnung der nachmosaischen Bücher der heiligen Schrift. Die Herleitung des Ausdruckes von der Auffassung, dass die Propheten die Träger der Überlieferung waren, ist richtig dargelegt; aber was (S. 30 f.) von dem "zweifachen Kanon," dem "Kanon des Gesetzes" und dem "Buchkanon der Pharisäer" gesagt ist, ist unnötig und auch unrichtig. Unhaltbar ist auch, was (S. 37) im Zusammenhange damit über die Entstehung der Lehre vom mündlichen Gesetze ausgeführt wird. Nur mit Ausserachtlassung aller wesentlichen Momente kann Aicher annehmen, dass diese Lehre erst "nach dem Jahr 70" entstand, als man die alte Halacha zu fixieren begann. — Er bestreitet meine Behauptung, dass die Anwendung des Wortes **קְבִלָּה** für die mündliche Überlieferung unbelegt sei (S. 38). Aber thatsächlich findet sich dieses die "Tradition" bezeichnende Substantiv in den Quellen ausschliesslich in dem einen oben angegebenen Sinne, als zusammenfassende Bezeichnung der nachmosaischen biblischen Bücher. Es ist darum unsachgemäss, von einem "Prinzip der Qabbala" (S. 38), das ist dem Traditionsprinzip, zu sprechen. In diesem Sinne wird **קְבִלָּה** erst im Mittelalter (vom 12. Jahrhundert ab) gebraucht, wo es denn auch noch die specielle Bedeutung der mystischen Tradition gewinnt. Dass die Auslegung der heiligen Schrift für Pentateuch und für Propheten und Hagiographen dieselben Zitationsformeln und auch sonst dieselbe Terminologie anwendet, führt der Verfasser als positive Begründung dessen an, dass die Ausleger keinen Werthunterschied zwischen den biblischen Texten machten (S. 41 f.). Die Erklärung, die er für den Terminus **לִימָר חִלְמוֹר** bietet, wonach **לִימָר** "hier völlig zu einem 'Gänsefüsschen' entwertet"

ist, kann ich nicht als die bisherigen Erklärungen verbessernd oder entwertend anerkennen. Warum Aicher annimmt, dass סְפָרָא in der Mischna "als jüngster Name zur Bezeichnung der Schrift erscheint" (S. 46), weiss ich nicht. כְּתוּב und סְפָרָא sind correlative Bezeichnungen des Bibeltextes der in dem einen Worte als das "Geschriebene," die Schrift, in dem anderen als das "Gelesene," als Gegenstand des Lesens bezeichnet wird. Sehr gekünstelt klingt die Vermuthung, dass "in der Verallgemeinerung von תּוֹרָה für die ganze Bibel eine Erinnerung daran liegt, dass einst nur das 'Gesetz' Kanon war" (S. 47). Die Übertragung der Benennung Thora auf die gesammte schriftliche sowie mündliche Lehre hat sich durch die Erweiterung des Begriffes der "Thora" auf natürliche Weise festgesetzt. Auch die Bezeichnung der ganzen Bibel mit dem Namen des Pentateuchs ist eine solche Übertragung des Namens תּוֹרָה von der schriftlichen Lehre im engeren Sinne auf die im weiteren Sinne, in dem zu ihr alle Bücher der Bibel gehören.

Auf die Frage, "welche Eigenschaften die Mischna der heiligen Schrift zuschreibe" antwortet der Verfasser mit dem Hinweise auf die anderwärts und auch in der Mischna sich findenden Daten und Bestimmungen, die von der Heiligkeit der biblischen Schriften reden (S. 47 ff.). Ferner sagt er (S. 49): "Wenn das Buch von Gott stammt, müssen auch die Eigenschaften Gottes in der Schrift sich wieder spiegeln. Dahin gehört vor allem die Irrtumslosigkeit." Als Belege für diese scholastisch formulierte These citirt der Verf. Mischnastellen, in denen "wirkliche oder vermeintliche Widersprüche der Schrift mit sich selber möglichst diskret ausgeglättet werden," und zwar: Schekalim, VI, 6; Sota, V, 3; Arachin, VIII, 6; ib., 7; Kinnim, III, 6. Diese Mischnastellen enthalten Auslegungen, die nur zum Theile von dem constatirten Widerspruche zweier Bibelstellen ausgehen. Aus der Thatsache, dass der Widerspruch exegetisch ausgeglichen wird, kann man gewiss nicht jene These von der Irrtumslosigkeit ableiten. Der Verf. stellt noch andere Mischnastellen zum Belege für seine These zusammen, mit theils agadischen, theils halachischen Schriftauslegungen (S. 51 ff.), ohne dass klar würde, weshalb er für diesen speziellen Zweck gerade diese Stellen gewählt hat.

Der zweite Theil der Aicher'schen Arbeit ist betitelt: *Die Vervoertung der heiligen Schrift in der Mischna*. Er zerfällt in drei Abschnitte. Der erste Abschnitt (S. 53-67) hat die Ueberschrift: "Halacha und Haggada. Ihr Verhältniss zur heiligen Schrift." Aus seinem Inhalte sei nur eine paradoxe These Aichers hervorgehoben: "Meines Erachtens lag ein zwingender Grund vor, den Schriftbeweis, der ursprünglich nur in der Haggada heimisch war, auch in der Halacha anzuwenden." Demnach war die Schriftauslegung ursprünglich nur haggadisch; er

beweist dies aus den synagogalen Vorträgen, die sich an die Vorlesung der Bibel anschlossen und deren Inhalt nicht ein gesetzlicher, sondern ein erbaulicher war (S. 62). "Der Schriftbeweis hat in der Synagoge seine Heimat." "Wenn er in der Mischna und in den alten Midraschim mit der Halacha verbunden wird, so geht diese Erscheinung wohl zurück auf die durch das Jahr 70 hervorgerufene Umwälzung aller Verhältnisse" (S. 64). "Die Schule wird eine Rivalin der Synagoge." "Die Anwendung der Schrift in der Haggada hatte ihrer Verbindung mit der Halacha den Weg bereitet" (S. 65). Diese Sätze genügen, um die sonderbare Hypothese Aichers zu kennzeichnen. Halachische Schriftauslegung hätte es demnach vor der Zerstörung Jerusalems nicht gegeben, auch die Schule begann erst nach dieser Katastrophe, ihre Thätigkeit neben der Synagoge zu entfalten. Es heisst das, die Dinge geradezu auf den Kopf stellen! Einer Widerlegung der Hypothese bedarf es nicht, es ist überflüssig nachzuweisen, dass die Schulen Jahrhunderte vor dem genannten Katastrophenjahre geblüht haben und dass die Thätigkeit der Schriftgelehrten sich nicht auf die blosse haggadische Auslegung der Schrift und auf das Lehren der Halachasätze beschränkte. Die Schriftauslegung war von vorne herein ebensowol halachisch, wie haggadisch, je nach dem Inhalt des ausgelegten Textes. Nur löste sich die Haggada (Agada) als besondere Disciplin schon früher von der Schriftauslegung ab, und unter Midrasch verstand man im engeren Sinne die halachische Schriftauslegung. Die Sammlung und Fixirung der Halachoth selbst wurde zu einer besonderen Disciplin. So entstanden die drei Zweige der Traditionswissenschaft: Midrasch, Halacha und Haggada, jedenfalls lange vor der Zerstörung Jerusalems. — Es ist nur ein Scheinbeweis, wenn der Verfasser auch den Terminus "Haggada" auf Grund meiner Erklärung dieses Wortes als Argument für die Priorität der haggadischen Schriftauslegung heranzieht (S. 66).

Der zweite und dritte Abschnitt des zweiten Theiles haben "Die Schriftenanwendung in der Mischna" (S. 67–107) und "Die Schriftauslegung in der Mischna" (S. 107–140) zum Gegenstande. Es ist dies eine an sich richtige Unterscheidung, die darauf beruht, dass die Exegese entweder von dem Inhalte ausgeht, der in dem Bibeltexte nachzuweisen ist, oder von dem Bibeltexte, dessen Inhalt zu ermitteln ist. In dem Abschnitte über die Schriftenanwendung in der Mischna gruppiert der Verf. die von ihm hieher gezählten Beispiele unter gewisse aus dem Begriffe des Schriftbeweises gezogene Kategorien, wobei halachische und agadische Auslegungen ungeschieden bleiben; jedoch sind letztere durch Sternchen hervorgehoben. Die Übersichtlichkeit ist hier und auch im nächsten Abschnitte dadurch geschädigt, dass die Beispiele wieder nach den Mischnatraktaten und nicht nach

der Reihenfolge der biblischen Bücher geordnet sind. Die Kategorien, unter welche die Beispiele gruppiert sind, machen den Eindruck der Willkürlichkeit und dienen als gemeinsame Etiquette für im Grunde sehr verschiedenartige Beispiele. Es würde zuviel Raum beanspruchen, wenn ich auch nur einen Theil der von Aicher aufgestellten Kategorien und der ihnen zugetheilten Beispiele näher beleuchten wollte. Dasselbe gilt von dem im dritten Abschnitte ebenfalls unter verschiedene Kategorien gruppierten Beispiele der "Schriftauslegung." In Bezug auf letztere sei nur bemerkt, dass viele der als Beispiele der "Schriftauslegung" gebrachten Mischnastellen richtiger im zweiten Abschnitte unter den Beispielen der "Schriftenanwendung" ihre Stelle gefunden hätten. Die Kategorien, unter welche in beiden Abschnitten die Beispiele gestellt werden, sind zum Theile so formuliert, dass sie zugleich eine Kritik der tannaitischen Bibelexegese involvieren. In dieser Kritik kommt zuweilen die Anschauung des christlichen Theologen zum Schaden der objektiven Würdigung jener Bibelexegese zur Geltung. Aber im Ganzen muss die grosse Sorgfalt anerkannt werden, mit welcher der Verfasser in diesen zwei Abschnitten, dem eigentlichen Kerne seiner Arbeit, die bibelexegetischen Stellen der Mischna gesammelt, geordnet und übersetzt hat. Störend ist, dass der Verfasser der Mischnastelle eine Übersetzung der in ihr citierten und erklärten oder angewendeten Bibelstelle vorausschickt und in der Übersetzung der Mischnastelle statt der Bibelworte die Stellenangabe bietet (z. B. bei Abda zara, III, 5: "denn es heisst: Dt. 7, 25," S. 81). Die Bibelworte hätten im Kontexte der Mischna gebracht werden sollen. Damit hätte es der Verfasser erspart, den ganzen Bibelvers anstatt der in der Mischna allein in Betracht kommenden Bestandtheile desselben zu übersetzen. So übersetzt er zu Sabbath VIII, 7 Jes. 30, 14 ganz (dabei begeht er den Irrthum, שברך als Hauptwort zu übersetzen: "ihr Bruch wird sein," S. 104).

Seiner Bearbeitung der Bibelexegese in der Mischna lässt der Verfasser unter dem Titel "Schluss" einen grösseren Anhang folgen (S. 141-170). In diesem giebt er vorerst die "Sieben Regeln" (Middoth) Hillels und bestreitet die Urheberschaft Hillels an denselben, was bei seiner oben angeführten Anschauung über die Entstehung der halachischen Bibelexegese kein Wunder ist. Ebenso bezweifelt er die Urheberschaft Ismael b. Elischa's an den ihm zugeschriebenen "Dreizehn Regeln" (S. 148). Er theilt auch die Zweiunddreissig Regeln Eliesers, des Sohnes Jose's des Galiläers, mit und knüpft einige Bemerkungen daran (S. 149-152). Den zweiten Theil des Anhangs widmet Aicher der Frage "nach der Priorität der Mischna oder des Midrasch." Seine Antwort ist nach dem, was er über den späten

Ursprung der halachischen Schriftauslegung gesagt hat, vor auszusehen. Er bemüht sich zunächst, die herrschende Ansicht von der Priorität des Midrasch, und zwar speciell die von Hoffmann in seiner Schrift: *Die erste Mischna* gebrachten Argumente zu widerlegen. Er gelangt zu folgenden Resultaten: "Die Mischna ist älter als der Midrasch" (S. 165). "Unser Midrasch, vorab Sifra, hat grössere zusammenhängende Stücke aus der Mischna entlehnt" (ib.). Ferner macht der Verfasser folgende Beobachtung: "Es fällt auf, dass fast nur in den Traktaten des IV. und V. Seder und nicht in denen des I, II., III. (mit Ausnahme von Sota) und VI. Seder die exegetische Terminologie begegnet, die dem Midrasch geläufig ist" . . . ; "Wenn Bacher die Terminologie der Bibelexege zur Zeit der Zerstörung Jerusalems in ihrem wesentlichen Bestandtheile längst vorhanden sein lässt, so erklärt es sich nicht, warum sie nur in den genannten Theilen der Mischna wirksam ist. Wir werden vielmehr annehmen müssen, dass die erste Periode nach der Tempelzerstörung diese Kunstsprache noch nicht kannte. Es wurde zwar der halachische Schriftbeweis gehandhabt, aber noch nicht diese charakteristische Terminologie. Diese Richtung repräsentiert sich im allgemeinen in den Traktaten der I., II, III. und VI. Ordnung" (S. 168). Die Schwäche einer solchen Argumentation braucht nicht bewiesen zu werden. Der zufällige Umstand, dass in einem Theile der Mischna, in der ja die bibelexegetischen Elemente nur sekundäre Bedeutung haben, sich keine Beispiele der dem Midrasch eigenthümlichen Terminologie finden, dient als Argument für eine so bedeutsame Scheidung der Mischna in zwei chronologisch gesonderte Theile. — Der Grundfehler der ganzen Anschauung Aichers liegt darin, dass er die Bedeutung und das Alter des Midrasch unterschätzt und diesem neben der Mischna (d. i. der Halachasammlung) keine besondere Existenz zuerkennt. Darin geht er so weit, dass er über den tannaitischen Midrasch sich folgendermassen äussert (S. 169): "Mechilta, Siphra und Siphre sind nur der Form nach exegetische Werke: in Wirklichkeit ist unser Midrasch eine Halachasammlung, die den Traditionsstoff nicht systematisch bearbeitet, sondern ihn aus der vielfach schon begonnenen Verpackung wieder herausnimmt und an der Schnur der fortlaufenden Schriftverse aneinanderreihet." Er beruft sich dabei auf Frankel, *Monatsschrift*, III (1854), 149, wo aber etwas ganz anderes gesagt ist. Wie kann man auch daran zweifeln, dass die tannaitische Midraschim nicht nur ihrer Form, sondern auch ihrem Inhalte nach Schriftauslegung sind? Und wie kann man Werke als "Halachasammlung" bezeichnen, in denen, sowie die Bibeltexte es mit sich bringen, ganze Massen reiner Agada, ohne die geringste Beziehung auf die Halacha, vorgeführt werden? Der

Verfasser hat dadurch, dass er eine vorgefasste Meinung von dem Inhalte der pharisäischen Tradition an den Gegenstand heranbrachte, dem Midrasch die ihm gebührende Stellung in der jüdischen Traditionslitteratur genommen und damit auch den ganzen Entwicklungsgang derselben verschoben. Er bietet in seinem Exkurse über Priorität von Mischna oder Midrasch eine künstliche Konstruktion, mit Ausserachtlassung der wichtigsten Momente in der Vorstellung, die man sich auf Grund des Thatbestandes der Litteratur und auf Grund überlieferter Angaben von jenem Entwicklungsgange machen muss. Es ist Schade, dass so viel eifriges Studium und so gründliche Kenntnisse zu einem haltlosen Luftgebäude geführt haben. Nichtsdestoweniger muss die Arbeit Aichers als sehr achtungswerthe Leistung bezeichnet werden. Er hat zum erstenmale den gesammten bibelexegetischen Stoff, den die Mischna enthält, verarbeitet und wenigstens einen Theilbeitrag zur Erkenntniss der ältesten jüdischen Schriftauslegung geliefert. — Drei Register schliessen das Heft: Bibelstellen; Misch-nastellen; Tannaim. Nur hie und da verunzieren Druckfehler in den hebräischen Wörtern den im Übrigen sehr korrekten Druck.

W. BACHER.

HAMMURABI AND SYRIAN-ROMAN LAW.

D. H. MÜLLER, *Das syrisch-römische Rechtsbuch und Hamurabi*, Wien, 1906; *Semitica, Sprach- und rechtsvergleichende Studien*, I. und II. Heft, Wien, 1906. In Komm. bei HÜLDER.

IN seinem grossen, epochemachenden Werke: "Die Gesetze Hamurabis und die mosaische Gesetzgebung," dessen Hauptinhalt in der These gipfelt, dass beide Gesetzgebungen aus einem bereits fixirten Urgesetz geschöpft haben, hat Müller in zwei Exkursen (S. 205-210, 275-285) den Nachweis geführt, dass eine Einflussnahme des altsemitischen Rechtes auf das römische XII-Tafelgesetz und das sogen. syrisch-römische Rechtsbuch aus dem 5. Jahrh. n. Ch. stattgefunden hat. Dieses merkwürdige syrisch-römische Rechtsbuch enthält nämlich viele Bestimmungen, die im römischen Rechte keine genügende Erklärung finden, und die von L. Mitteis¹ auf griechischen Ursprung zurückgeführt wurden. Im Gegensatze dazu hat Müller nachgewiesen, dass die nichtrömischen Bestandteile des syrisch-römischen Rechtsbuches vielmehr ihre Parallelen im Hamurabi-

¹ *Reichsrecht und Volksrecht in den östlichen Provinzen des Kaiserreiches*, Leipzig, 1891.

kodex haben, was wieder von Mitteis in einem "Das syrisch-römische Rechtsbuch und Hammurabi" betitelten Artikel in der *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, XXV, S. 284-297, zurückgewiesen wurde. Auf diesen Artikel antwortet nun Müller in der denselben Namen führenden Schrift.

Nachdem der scharfe Ton in der Polemik Mitteis' abgelehnt und auf K. Voigt und K. Wessely hingewiesen wird, die ebenfalls griechischen Einfluss auf das syrisch-römische Rechtsbuch in Abrede stellen (S. 3-6), geht der Verf. zur sachlichen Polemik über. Als den entscheidenden Punkt in der Frage, ob die nichtrömischen Bestandteile des syrisch-römischen Rechtsbuches auf griechischen oder orientalischen Einfluss zurückzuführen seien, bezeichnet Mitteis das Intestaterbssystem des Rechtsbuches, in dem er eine Übereinstimmung mit dem griechischen und einen scharfen Gegensatz zum talmudischen Erbrecht findet. "Was aber — sagt Mitteis — entscheidend gegen die Verbindung des syrischen mit dem talmudischen Erbrecht spricht, ist, dass der Talmud das Erbrecht mütterlicher Cognaten mit der grössten Entschiedenheit ablehnt."

Dass dies in dem *rezipierten* talmudischen Recht wirklich der Fall ist, gibt Müller zu, weist aber nach, dass die Ausschlössung der mütterlichen Cognaten von der Erbfolge ein Produkt historischer Entwicklung ist, dass einerseits das Erbrecht der Mutter im Talmud selbst von einigen Autoritäten anerkannt und andererseits von den den Talmud verwerfenden Karäern besonders scharf betont wird. Somit fällt die einzige Differenz zwischen dem jüdischen und griechischen Erbrecht weg, und die Konkordanzen zwischen dem syrischen und griechischen betreffen in gleicher Weise auch das talmudische Recht. Es ist also nicht der geringste Anhaltspunkt dafür vorhanden, dass das syrisch-römische Intestaterbrecht griechischen und nicht orientalischen Ursprungs ist. Ja in einem Punkte, in bezug auf das Erbrecht der Väter, steht das syrische Recht dem talmudischen viel näher als dem griechischen, in dem sehr wahrscheinlich die Eltern von der Erbfolge ausgeschlossen waren (7-19). Ganz deutlich aber zeigt sich der orientalische Einfluss auf das syrisch-römische Rechtsbuch in dem Erbrecht der Töchter. Während nach biblisch-talmudischem und griechischem Recht die Töchter von der Erbfolge ausgeschlossen waren, kann aus Hammurabi die Gleichberechtigung der Töchter mit den Söhnen *geschlossen* werden, und bei Philo kommt einmal die ausdrückliche Bestimmung vor, dass die Töchter ein gleiches Erbe mit den Söhnen erhalten. "Philo kann diesen Satz nicht aus der Halacha, aber auch nicht aus dem griechischen Recht genommen haben, das ja nach Mitteis eine schnurstraks entgegengesetzte Bestimmung enthielt — er muss sie also aus dem alten Volksrecht herübergenommen haben das in Syrien erhalten war und

die Juden auch nach Alexandrien begleitet hat." Und auch in den Karäischen Quellen kommt die — wenn auch nicht rezipierte — Ansicht vor, dass die Tochter gleichmässig mit dem Sohne erbt. Dadurch ist die Hypothese Mitteis', dass die Gleichstellung der Töchter von Konstantin (4. Jahrh. n. Ch.) herrührt, endgültig beseitigt¹. (S. 20-33.) Auch das Noterbsystem geht deutlich aus Hammurabi, §§ 168-169, hervor, und der Gedanke, dass in dem Erben die Familie des Verstorbenen fortlebt, muss nicht zum griechischen Recht führen. Dieser Gedanke liegt dem *Erbrechte überhaupt* zugrunde. (S. 34-40.)

Durch diese Ausführungen wird in der Tat die Hauptstütze des Mitteis'schen Systems, die Übereinstimmung zwischen dem syrischen und griechischen Erbrechte, hinfällig. Es zeigt sich vielmehr, dass das griechische Erbrecht selbst unter semitischem Einflusse entstanden sein muss, da sonst die vollkommene Übereinstimmung zwischen diesem und dem biblisch-talmudischen Erbsystem ein Räthsel wäre. Auch die Richtigkeit der Aufstellungen Müllers in seinem Hammurabibuch, die hier gegen Mitteis verteidigt (S. 41-52) und durch neue Argumente aus den später gefundenen römischen Handschriften des syrisch-römischen Rechtsbuches erhärtet werden (S. 53-59), muss man als zum grossen Teil erwiesen anerkennen.

Im einzelnen ist folgendes zu bemerken:—

S. 14, Anm. 1. Vgl. die Bemerkung Bachers bei Müller in *W. Z. K. M.*, XIX, S. 392. Dass aber der fragliche Autor nicht der Tannaite Simeon ben Jehuda sein kann, geht schon daraus hervor, dass R. Jochanan im *Gespräche* mit ihm die *Mischnah* gegen ihn ins Treffen führt.

S. 17. Nach Hadassis eigener Angabe im Eschkol A. B. 34 ende (28 b) hat er die Abfassung seines Buches begonnen: בשנת ארבעת אלפים וחשע מאות וחשע ליצירה = 1149.

S. 18. Dass das Erbrecht der Mutter selbst in *nachtalmudisch-rabbanitischen* Kreisen nicht als absolut ausgeschlossen galt, beweist eine Anfrage an Sa'adia in *Responsen der Gaonim*, ed. Harkavy, N. 540².

Ibid. Sehr für den Zusammenhang zwischen Karäern und Sadducäern sprechen die Veröffentlichungen Harkavys in seinen Zusätzen zum dritten Band der hebr. Übersetzung von Grätz' "Geschichte".

¹ Dafür, dass in Syrien lange vor Konstantin Söhne und Töchter gleich erbberechtigt waren, hat dann Müller in *W. Z. K. M.*, XIX, S. 389 f. noch eine glänzende Bestätigung gefunden in einer auch in anderer Beziehung interessanten Talmudstelle, Sabbath, 114 a. Vgl. auch weiter unten meine Bemerkung zum Erbrecht der Töchter.

² *Studien und Mitteilungen*, IV, S. 266, 340. Es handelt sich, wie im *Rechtsbuche*, um die Erbberechtigung der Mutter neben den Geschwistern.

³ Rabbinowicz, דברי ימי ישראל.

S. 20 f. Dass der Vater, wenn er Testament macht, seine Kinder nach Belieben erben lassen kann, ist ein rezipiertes tannaitisches Prinzip¹.

Die Mitgift ist ebenfalls eine alttannaitische Einführung² und sie betrug im 2. Jahrh. post den 10. oder 12. Teil des Vermögens³. *Eine testamentarische Verfügung des Vaters, den Töchtern die Mitgift zu verweigern, hat keine Gültigkeit*⁴. Das stimmt genau mit der Version der Pariser Handschrift.

S. 30 f. Auch im Talmud, B. Bathra, 110 a, wird die Frage erörtert, ob denn nicht die betreffende Bibelstelle dahin zu verstehen sei, dass Tochter und Sohn gleichmässig erben.

Ibid. Anm. Aus Aron ben Eliahs Gan-Eden⁵ 166 a geht hervor, dass Josef ha-Roëh und der noch ältere David ben Boas gegen die Gleichberechtigung der Töchter Stellung genommen, letztere Theorie also die ältere war.

S. 31. Das Zitat im Namen Anans befindet sich im Eschkol A. B. 256.

Zum Erbrecht der Töchter ist folgende Stelle in Jerusch. B. Bathra, I, 1 (16 a 2) zu vergleichen: *חכמי נים אומרים בן וכת שוין כאחת*. דאינק דרשו וכן אין לו הא אח (אם 1). יש לו שניהן שוין. Da einerseits unter *חכמי נים* in unserem Falle weder Römer noch Griechen zu verstehen sind und andererseits der Jeruschalmi in syrischer Gegend entstanden ist, so ist es höchst wahrscheinlich, dass er an ein in Syrien geltendes Gesetz denkt. Es ist auch noch auf Job xlii. 15, *יתן להם נחלה בתוך אחיהם* zu verweisen, vgl. jedoch Aron ben Eliah in Kether Thorah, IV, 41 b.

S. 33 f. (Noterbsystem.) B. Bathra, VIII, 9: *הכותב נכסיו לאחרים והניח את בניו מה שעשה עשו אלא שאין רוח חכמים נוחח הימנו, רש"בג אומר אם לא היו בניו נוחגים כשורה זכור למוב*. In frühgaonäischer Zeit herrschte aber die Ansicht, dass die Kinder mit einem gewissen Teil des Vermögens abgefertigt werden müssen, vgl. *Resp. der Gaonim*, ed. Harkavy, N. 260, S. 133 f.⁶ Das ist ähnlich dem § 9 der Londoner Handschrift.

¹ Vgl. B. Bathra, 130 a, 133 a; Jerusch., ibid., VIII, 12 (29 a unten); vgl. auch Eschkol-ha-Kofer A. B. 365 (140 a oben), wo auf Gen. xxv. 5, 6 verwiesen wird.

² Kethuboth, 52 b.

³ Ibid., 68 a.

⁴ Ibid., 68 b, nach der Lesart des R. Hai Gaon und R. Hananels, vgl. Alfassi und Ascheri z. St.

⁵ עין, verf. 1354, also ca. 100 Jahre vor Baschjazis Adereth Eliahu.

⁶ Bei dieser Gelegenheit sei auf die Wichtigkeit dieses Responsums für die Halachoth-Gedoloth-Frage aufmerksam gemacht. Die Fragesteller berufen sich auf den Satz: *יכול אדם למסור את בט קצתו*, und R. Hai antwortet, dass er diesen Satz nicht kennt, dass er im Talmud nicht vorkommt, er sei

S. 48, 5, L. § 112 (S. 34): Denn das Gesetz nimmt die Stiere aus von der Verpfändung. Durch folgende talmudische Parallelen wird, wie ich glaube, die Polemik über diesen Punkt überflüssig: **חבל זוג של** **היו לו חמש רחלות אינו** **רשאי למשכן אפילו אחת מהן** ¹ . . .

Durch das von mir gebrachte Material erfährt also die Theorie Müllers neuerdings eine Bestätigung.

Zur Polemik über das syrisch-römische Rechtsbuch gehören noch zwei Abschnitte der *Semitica* (I, S. 30-34; II, S. 54-61).

Mitteis findet nämlich einen Beweis für den griechischen Einfluss auf das Rechtsbuch in der Stelle L. § 1, wo die Agnaten mit dem Ausdruck "reiner Samen" bezeichnet werden und die Frau mit dem Erdreiche verglichen wird, worin Mitteis einen "Lieblingssatz der griechischen Philosophie" erkennen will. Aber eine Prüfung der griechischen Zitate ergibt, dass in ihnen weder vom "reinen Samen," noch von der Frau als Erdreich die Rede ist. Dagegen kommt letzterer Gedanke in den Amarna-Briefen (ca. 1500 ante) in voller Schärfe zum Ausdruck, und auch im Talmud wird die Frau "ewiges Erdreich" genannt. Der "reine Samen" aber scheint überhaupt auf einem Schreibfehler, **רכי"א** für **רכרי"א**, zu beruhen.

Um was es sich im zweiten Abschnitt handelt, erkennt man aus dem, S. 61, mitgeteilten Schreiben Kohlers an den Verfasser:

"Ich bin bereit, mich in der *Zeitschrift für vergleichende Rechtswissenschaft* über Rabel zu äussern und dabei zu erklären, dass Sie den semitischen, nicht griechischen Ursprung des syrischen Rechtsbuches unter Bezugnahme auf Hammurabi schon vor mir verteidigt haben." In einem Artikel über dieses Rechtsbuch in der gen. Zeitschrift, Bd. XIX, S. 103 ff., gelangt Kohler zu einem Resultat, das in bezug auf die Thesen und ihrer Begründung in zehn wichtigen Punkten mit den Ausführungen Müllers in seinem Hammurabibuch übereinstimmt. Diese Tatsache hat Kohler nicht hervorgehoben, und auf einen dies bezüglichlichen Apell M.'s im *Anzeiger der kais. Akademie der Wissenschaften in Wien* vom 25. April 1906, erfolgte das mitgeteilte Schreiben

gewiss ein Ausspruch der "Grossen." Nun lesen wir aber in *beiden Versionen* der Hal. Ged., ed. Warschau 212^a, ed. Berlin S. 435, folgende Stelle: ... ויהלכו יכל האב לפסור את בנ פסורו במתנה כל שדור. R. Hai hat also diese Stelle in seinen Hal. Ged. nicht gehabt. Woher kannten sie die Fragenden?

¹ *Baraita* in B. Mezia', 116a, vgl. Jerusch., *ibid.*, IX ende. Es handelt sich um das Verbot, Deut. xxiv. 6.

² Tosefta, B. Mezia', X, 11. Maggid-Mischnah, III, 2 und Nimuke-Josef zu B. Mezia', 116^a lesen jedoch: **ורחוק**; vgl. auch Hoffmanns *דרי שדור* לו חמש רחלות. S. 30: . . . לקשי ברר לקשי

Kohlers und später die in Aussicht gestellte Erklärung selbst in der *Zeitschrift für vergleichende Rechtswissenschaft*, Bd. XIX, letztes Heft.

Dieselbe Erscheinung wie im syrischen Recht, die Einwirkung verschiedener Rechtsquellen, ist auch in dem von Josef Karst, Leipzig 1905, herausgegebenen armenischen Recht wahrzunehmen. Die ältere Kodifizierung dieses Rechts, das Rechtsbuch des Mechitar Gosch a. dem 12. Jahrh., lässt die starken Einflüsse der mosaïschen Gesetzgebung auf das armenische Recht nicht verkennen. Namentlich ist ein grosser Teil des weltlichen Rechtes nichts anderes als eine Rezeption der Gesetze in Ex., Lev., Num., und Deut., so dass Müller, der diesen Teil des Gosch'schen Rechtsbuches im II. Heft der *Semitica* (S. 1-54) behandelt, berechtigt ist, im Sinne seiner Urgesetz-Theorie zu sagen, dass "das armenische Recht sich als einen der letzten Ausläufer jenes Archetypus erweist, aus welchem bestimmte Teile des Hammurabikodex, der mosaïschen Gesetzgebung und der XII Tafeln fliessen."

Mechitar Gosch hat aber Beigaben und Erweiterungen zu den biblischen Gesetzen und mehrfach auch Abweichungen von denselben. Nun heben schon Kohler und Karst hervor, dass in der Formulierung des Rechtes bei Gosch talmudischer Einfluss erkennbar ist, sie haben aber diesen Einfluss nicht immer erkannt, und suchen daher die Abweichungen vom mosaïschen Gesetz aus der Einwirkung griechischer, römischer und indoarischer Rechtsanschauungen zu erklären.

Dagegen bringt Müller aus der talmudisch-rabbinischen Literatur eine so reiche Fülle Materials, dass sie nicht nur ausreicht, um den grössten Teil der Zusätze und Erweiterungen Goschs aus der genannten Literatur zu erklären und in ihr nachzuweisen, sondern auch um darzutun, dass der Kommentar Goschs überhaupt eine "tiefe und eindringende Kenntniss der talmudisch-rabbinischen Exegese und des talmudisch-rabbinischen Rechtes voraussetzt, die schon tief eingewurzelt sein musste. Als besonders charakteristische Beispiele seien hier folgende zwei Koinzidenzen mitgeteilt:—

1. Mechitar Gosch: "Rechtssatzung betreffend Vogelnester (Deut. xxii. 6-7). An dieser *kleinsten* Sittenregel mag man im vorliegenden Falle einen Massstab für die *grössten* und *wichtigsten* Sachen ersehen." Man vergleiche dazu die letzte Mischnah in Chulin (fol. 142 a): "Man darf nicht die Mutter nebst den Jungen nehmen. . . . Wenn es bei diesem *geringfügigen* Gebot, das vielleicht ein As beträgt, heisst: "damit es dir wohlgehe und du lange lebest," um wie viel mehr bei den *schwerwiegenden* Geboten der heiligen Schrift. אִם כִּצוּר

קלה שהיא כאיסור אמרה חזרה למען ייטב לך והארכת ימים, קל וחומר על מצות חמורות שבחזרות (S. 20).

2. Mechitar Gosch: "Betreffend dass du wegen Baues einer Gegenkirche angefragt hattest, so steht dessenthalten geschrieben: 'Wer den altererbten Zaun niederreisst, den wird die Schlange beissen und töten' d. h. [wer niederreisst] die Ordnung und Konstitution, welche die Propheten, Apostel und Lehrer der Kirche aufgestellt haben (Eccl. x. 8)." In gleichem Sinne wird dieser Vers in der talmudischen Literatur ungemein häufig angewendet. Tosefta Chulin, II, 23: "Denn jeder, welcher den Zaun der Weisen niederreisst, den erreicht eine Strafe, wie es geschrieben steht 'wer den Zaun niederreisst, den beisst die Schlange.'" Aboth de R. Nathan, ed. Schechter, 7 b: "Jeder, der die Vorschrift der Weisen überschreitet, verwirkt sein Leben, denn es steht geschrieben 'Wer den Zaun etc.'" Vgl. noch Sabbath, 110 a, Aboda Zara 27 b, Jerusch. Berachoth, I, 7, Aboda Zara, II, 7 etc. (*Semitica*, II, S. 29).

Diese Beispiele zeigen zur Evidenz, dass man in bezug auf das Gosch'sche Rechtsbuch nicht bloss von talmudisch-rabbinischen *Einflüssen*, sondern auch von *direkten Entlehnungen* aus dem talmudischen Schrifttum sprechen darf.

"Wenn man — sagt nun der Verfasser — das vorgeführte Material betrachtet, drängt sich von selbst die Frage auf, in welchem Verhältniss der Verfasser oder Redaktor Mechitar Gosch dazu steht." Und er beantwortet diese Frage dahin, "dass die talmudischen und rabbinischen Deutungen, die wie ein fortlaufender Kommentar die Auszüge (aus dem Pentateuch) begleiten, [nicht] von Gosch gemacht worden sind; sie sind alt und können nur aus einer langen Schultradition hervorgegangen sein" (S. 36-42). Für diese Behauptung kann freilich der Verf. keine Tatsachen anführen, aber sie durch logische Gründe und einige Nachrichten bei alten Schriftstellern wahrscheinlich machen. "Nur wenn die von Gosch benützten Elemente schon vorher nicht nur in den geistlichen Schulen gelehrt [wurden], sondern auch im öffentlichen Rechtsbewusstsein tiefe Wurzeln gefasst hatten, kann man sich die autoritative Anerkennung des Rechtsbuches erklären." Und Jakob von Edessa spricht von *doctores Judaei*, welche auf die Ordnung des Opferkultus der Armenier Einfluss genommen haben. Diese Momente sind in der Tat sehr beachtenswert. Wenn aber der Verf. in bezug auf die Nachricht, dass der Patriarch Sahak im Anfange des 5. Jahrh. viele Kommentare der heiligen Schrift übersetzt hat, meint: "Diese Kommentare, wenn sie je existirt haben oder vielleicht noch existieren, könnten die talmudisch-rabbinischen Interpretationen enthalten haben, von denen uns Proben in Dat. (das Rechtsbuch Gosch's) vor-

liegen," so wird man dieser Annahme schon aus dem Grunde nicht zustimmen können, weil Sahak, der die Bibel aus dem Syrischen übersetzt, und später auf Grund einer *griechischen* Handschrift verbessert hat, ohne den Urtext zu Rate zu ziehen, gewiss hebräisch überhaupt nicht verstanden, jedenfalls aber nicht in dem Masse, dass er rabbinische Kommentare hätte übersetzen können. Unter den von Sahak übersetzten Kommentaren könnten vielmehr die exegetischen Werke des Hieronymus verstanden, und die talmudisch-rabbinischen Elemente im armenischen Rechte auf mündliche Mitteilungen jüdischer Lehrer zurückgeführt werden.

In bezug auf die früher erwähnten Auszüge aus dem Pentateuch muss hervorgehoben werden, dass Müller zuerst diese Tatsache erkannt hat. "Um mir ein Bild von der Reihenfolge dieses Rechtsbuches zu machen, habe ich die zerstreuten Zitate aus dem Kommentare Karats gesammelt und geordnet, und diese Zusammenstellung ergab die beachtenswerte Tatsache, dass der Redaktor mit grossem Verständnis die Bücher Exodus, Leviticus, Numeri und Deuteronomium exzerpiert und bis zu einem gewissen Grade die Reihenfolge des Pentateuchs eingehalten hat. Höchst merkwürdig sind die Umstellungen, die er vorgenommen, und von feiner Sachkenntnis zeugen die Übergänge, die er von einem Buche in das andere gefunden hat." Und auch von dieser Gruppierung der pentateuchischen Vorschriften behauptet Müller, dass sie nicht das Werk des Mechitar Gosch ist, dass ihm solche Exzerpte schon vorgelegen sind. "Eine so geschickte Auswahl, so fein durchdachte Umstellungen und so fein gewählte Übergänge von einem Buch Moses ins andere, darf man einem Schriftsteller aus dem 12. Jahrhundert, und wenn es auch einer der bedeutendsten wäre, nicht zumuten." Auch hierin kann man dem Verf. nicht unbedingt zustimmen. Dass ein talentvoller Schriftsteller aus dem 12. Jahrh. ein geordnetes Exzerpt aus dem Pentateuch hätte machen können, gehört doch nicht zu den absoluten Unmöglichkeiten.

Betreffend die Nachweise aus dem rabbinischen Schrifttum ist Referent auch hier in der Lage, das vom Verfasser gebrachte Material zu ergänzen, behält sich aber dies sowie einzelne Bemerkungen für eine andere Gelegenheit vor.

Am Schlusse des II. Heftes der *Semitica* kehrt Müller zu dem Ausgangspunkt seiner rechtsvergleichenden Studien, zum Hammurabikodex zurück (S. 61-87), und zeigt, indem er die Stellung seiner Hammurabi-Hypothesen zur Bibelkritik schärfer als früher präzisiert, dass diese Hypothesen sich sehr gut mit den "sicheren" Resultaten jener Kritik vertragen können.

Das I. Heft der *Semitica* enthält, mit Ausnahme des schon erwähnten Abschnittes, der zur Polemik über das syrisch-römische Rechtsbuch

gehört, und einer Abhandlung, "Glossen zur Theorie und Praxis des altbabylonischen Rechtes," noch sprachvergleichende Studien folgenden Inhaltes: Eine missverstandene Wendung in den Amarna-Briefen (durch biblische Parallelen erklärt); Die Bedeutung und die Etymologie des Verbums *Kālu* in den Amarna-Briefen (*Kālu* = *leicht* nehmen, gleichgiltig sein; v. קלל); נשך ותרבית (eine Art *ἐν δὲ δνοίν*, heisst soviel wie: "Sehrung und Mehrung," = "Zinsen," daher nur so zu übersetzen); Die Numeralia multiplicativa in den Amarna-Briefen und im Hebräischen (רבתיים, שבעתיים, ארבעתיים in תים) keine Dualendung, sondern multiplicativer Ansatz, wie *šibit-šu* und *šibit-am*); Strophenbau im Hiob (Gliederung von Kap. 4 und 6).

Dr. V. APTOWITZER.

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THE JEWISH QUARTERLY REVIEW

JULY, 1907

CORBAN.

I. INTRODUCTION.

JOSEPHUS says: "Theophrastus shows knowledge of Jewish customs when he says the laws of the Tyrians prevent the swearing of foreign oaths; and among them with some others he reckons the oath called Corban. Now this will be found among no people save only the Jews, and it means (as one might say), being translated out of the language of the Hebrews, *gift of God*¹." There is no indication that this is a grudging admission wrung from the apologist of Judaism by a triumphant opponent. It is regarded as a piece of indisputable evidence, that the historian named was acquainted with Jewish customs.

Elsewhere Josephus implies that the formula was used by those who vowed themselves to God in accordance with the directions of the Levitical code². "And those who name themselves Corban to God (now this signifies gift in the language of the Greeks), if they wish to be released³ from the service must pay down money to the priests, . . . but, in the case of such as have less than the requisite fixed sum of money⁴, it is lawful for the priests to decide

¹ Josephus against Apion, i. §§ 166 f. (Niese).

² Lev. xxvii. 1.

³ ἀφίθηαι.

⁴ See Lev. xxvii. 1.

as they will¹." Here Corban is a vow of self-devotion from which a man may be released in accordance with the Law.

The most famous example of the full formula is found in a passage of the Gospel according to St. Mark². There it is said that under certain conditions certain of the Scribes refused to release their disciples from this vow. Hence it has been inferred that this refusal was upheld by all Scribes under all conditions, and that the ruling was condemned by Rabbi Jesus of Nazareth and by him alone. It would be more in accordance with facts to say that, with the exception of Jesus himself, and Philo, and perhaps such zealots for the Law as the scholars of Shammai, every Rabbi of the time would have dissolved the vow in the circumstances specified, whether the man wished to be dispensed from it or not. The view that the Corban was a favourite device for evading a fundamental commandment, at which the priests or the Scribes connived—for a consideration, and which Jesus pilloried as it deserved, is a striking example of the exegesis which is dominated and directed by religious prejudice. The Rabbi has better right than the scholar, who accepts this tradition of the commentators, to say of his opponent in this cause, *tantum religio potuit suadere malorum*. But, since this view is prevalent and has provoked certain doubts about the authenticity and historicity of the narrative, it will be well to look a little at the life of the times, before we proceed to examine it in detail.

It is a far cry to the Palestine, in which Herod's temple was still a-building. The Christian Evangelists are not concerned to expound questions of Jewish Law, even if they had listened to them and have reported them with more patience than Gallio the pro-consul. To understand their narratives one must return—as best one may—to the land and the time, where and when these

¹ Josephus, *Ant.*, iv, § 73 (Niese).

² vii. 1-12.

things were done. The way is not easy; but there is a way. Doubtless the destruction of Jerusalem is a great gulf fixed between the present and the distant past. Doubtless the disciples of Jesus and the disciples of the Pharisees have long ago dissolved the partnership, to which the records of the Acts of the Apostles and the traditions—notably that which relates to James the brother of Jesus—bear witness. But Philo Judaeus will lead the student back to contemporary Alexandria; and thence he may go up to Jerusalem for the feasts, if he will. For though the guide wear the motley garb of an eclectic Greek philosopher, his heart and mind are the mind and heart of a Rabbi. *Cucullus non facit monachum*. For all his allegorizing and idealism, Philo's teaching is such as Shammai and Aqiba might have applauded or inspired. His devotion to the Nation and the doctrines of the Pharisees is as unquestionable as that of Saul who is also called Paul. Both had experienced the truth, to which Josephus gave verbal assent and expression, that the sect of the Pharisees has an essential affinity with Stoicism.

Israel was in captivity, but not now in a strange land. Out of Egypt they had been led into Canaan. From Canaan they had been expelled, as Adam from Eden. To Canaan they had been restored—but only to be oppressed again, and that in the land which the Lord their God had given them. Surely this was the sorest punishment of all. The promises remained. They were unrealized because the conditions were unfulfilled. To take refuge in apocalyptic dreams was a counsel of despair and unfaith. Remains the Law—as it is written through the prophet Micah: "He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly and to love mercy, and to walk humbly with thy God?"¹

¹ Mic. vi. 8. The saying is imitated by Jesus ben Sira (Ecclus.) and echoed by Jesus of Nazareth (Matt. xxiii. 23). It seems to have been adopted by some of the Pharisees as an adequate compendium of the law (*Maccoth*, 24 b).

The rulers and nobles had for the most part made a covenant with the powers of this world and were content to offer lip-service to their rightful Lord. God had withdrawn himself—if indeed he had ever interfered in human affairs. For all practical purposes man was the masterless charioteer of his own life¹. Such it would seem were principles of the Sadducean caste. They derived from the Hellenizers the art of plucking the roses and with them all the charm and joy of brave sublunary things. God's People were enslaved and enchained; but their great men could wear their fetters with a grace, and take their ease in a desecrated Zion. As for the mysteries of God, they knew them not; neither hoped they for the wages of righteousness, nor discerned a reward for blameless souls. Reasoning with themselves, but not aright, they said: "Our life is short and tedious, and in the death of a man there is no remedy: neither was there any man known to have returned from the grave. Come on, therefore, let us enjoy the good things that are present. Let us lie in wait for the righteous man, because he is of disservice to us²."

With these enemies of the Righteous we are not now concerned. But in this description of them we find one outstanding characteristic of the spirit of the age: the present is the child of the past and must correspond to it. There is a proverb "As is the mother, so is her daughter³." So the Sage who wrote in the name of Solomon described what was present to him in terms of the past which is recorded in Scripture. And we shall do well to follow his example. For at best we cannot have all the bare facts—*valeant quantum*—which represent the dry bones and fossilized remains of the age with which we are concerned. But we know something of the ways in which men thought and reasoned; and the Scriptures on which they fed their minds are extant. We set aside then the comparison of the sects of the Jews to the sects of Greek philosophers

¹ Ecclus.² See Wisd. of Sol. ii.³ Ezek. xvi. 44.

upon which Josephus relied and look rather for a prophecy which shall supply appropriate categories.

It is written in the book of the prophet Isaiah :—" From the uttermost part of the earth have we heard songs, glory to the righteous. But I said, Leanness to me, leanness to me, woe is me! the treacherous dealers have dealt treacherously; yea, the treacherous dealers have dealt very treacherously. . . . And it shall come to pass that he who fleeth from the noise of the fear shall fall into the pit, and he that cometh up out of the midst of the pit . . .¹."

What is this second *leanness*? Theodotion suggests that it is the secret which the fugitive sought in his flight.

Over against the Sadducees stood the Essenes, who fled into the wilderness. They shared the Hope of emancipation and consolation; but they were content to stand by and see what Almighty God would do. In the wilderness they might prepare and purify themselves against his visitation. So they might intercede then for the common folk, of whom they now despaired. They fled, while flight was possible, from the *leanness* to the *secret*. Though the curse of emaciation befall the people, it may be only a mystery, warning and promise in one, foreboding the Restoration of all things.

But the land was not peopled only by such as abused or forewent the good things that were present. The treacherous dealers were there, and the prophet who said, "My leanness, my leanness"—and fled. But with them were the Pharisees, who neither betrayed nor abandoned the people. In Palestine and from the uttermost parts of the earth there were voices to hear, singing, "Glory to the righteous," and again, "Hope to the righteous," since the glory tarried. Thus and thus was the prophecy of Isaiah fulfilled. The people were blind and foolish, babes in fine. But guides and instructors and teachers were at hand to be the light of them that were in darkness².

¹ Isa. xxiv. 16.

² See Rom. ii. 19 f. for these titles of the Rabbis.

Separating themselves from all impurity, the Pharisees went about among the masses, calling them to repentance and amendment of life, that they might be deserving of mercy. If Israel could but keep the commandments, God's promise was due to be fulfilled and the coming age should come.

It was a hard saying, almost a mockery. The way of virtue is rough; stumbling-blocks are many. Falls are inevitable—but not failure. The reward of a precept is a precept, and the reward of complete obedience is life. The Law of Moses contained many commandments framed for different stages in the history of the Nation. Considered as a whole, it was inconsistent with itself. And who could remember all its requirements—to say nothing of the indispensable obedience? It is written: "All things cannot be in a man, for the son of man is not immortal." But it is written again: "There is forgiveness with thee, that thou mayest be feared." Without the forgiveness of God true piety was impossible. All we stumble much. Failing forgiveness, we must needs despair and proceed to add sin to sin, as being already banned. And the Law has provided means of atonement for all sins of ignorance. It is only the man who sins with a high hand that is without the pale. And this is the man who is conscious of all the commandments relevant to the action which he contemplates, and performs it with deliberate intention. An ordinary man may be distracted by natural affection or worldly cares from the service of Jehovah. For such there is and there was forgiveness, so he sin—if sin he must—in ignorance. He must be reprov'd and convicted; but if being convicted he show repentance, he will avoid wilful sin, for which there is no remedy.

This conviction and generally the direction of the people was the function of the Scribes of the Pharisees. No matter that for long no faithful prophet had appeared. The Sages and the Scribes were also God's Apostles. They had followed the prophets in their insistence upon the general principles

of the Law, and in their proper persons they had inherited and developed a system of case law, whose observance should preclude the transgression of the earlier Torah.

The men of the Great Synagogue said three things: "Be deliberate in judgment, and raise up many disciples, and make a fence to Torah¹." R. Aqiba said: "Tradition is a fence to Torah." The point is developed by Philo with characteristic amplitude. As a practical moralist he accepted without hesitation the principle that humanly speaking this tradition is of more immediate importance than the Law itself, whose corollary and safeguard it is.

"Moreover also, this profitable precept was added to the code, 'Disturb not boundaries of the neighbour which they that were before thee set.' This law it would seem . . . does not only contemplate the removal of covetousness, but also the keeping of the ancient customs. For customs (ἔθνη) are unwritten laws, dogmas (decisions) of men of old not engraved on pillars and parchments, which moths destroy, but upon souls of those who share the same polity. For children ought to inherit from parents (apart from their property) the ancestral customs, in which they were educated and with which they have lived from their very cradles, and not to despise them because the tradition thereof is unwritten. For he that obeys the written laws does not deserve praise, being admonished by compulsion and fear of punishment; but he that abides by the unwritten laws, displaying a voluntary virtue, is worthy of eulogies²."

Now in respect of both these things, conditions of forgiveness and directions for right conduct, there was room for diversity of opinion. In the first case, the Temple and its priests were not always accessible; therefore some substitute was necessary. In the second case, different Rabbis took different views of the relative importance of

¹ *Pirke Aboth*, init.

² Philo, *De Iustitia* (*De Spec. Legg.*, iv), ii, p. 360 f. x (ed. Cohn and Wendland, vol. V, p. 242).

conflicting precepts. Moreover, the standard to which appeal lay was itself also, like the unwritten tradition, the product of a long life, and that the life of a nation; though the Scribes wished rather to reconcile than to recognize its inconsistencies. The result was that the pious were split up into different schools, and said—to take typical examples: “I am of Shammai and I of Hillel.” But Shammai and Hillel, John Baptist and Jesus, had a common aim—to secure obedience to the revealed will of God. So far and so long as the means were subordinated to that end, their disciples were of one accord together. After all, the means which they prescribed were, to all appearance, commandments of men. One said this and another that; but of all such “philosophical precepts and exhortations” Philo can say: “God asks of thee, O Mind, nothing heavy and various or hard (*δύσεργον*), but quite a simple thing and easy. It is to love him as benefactor, or else to fear him at least as ruler and lord, and to go by all roads that lead to acceptable worship, and to serve him, not as by the way, but with all the soul filled with the love of God, and to embrace his commandments, and to honour justice. . . . Which of these duties is difficult or troublesome?¹”

Such were the Pharisees, the champions of the Tradition and the real rulers of the people at this time. Ascetic and yet lenient in the exercise of their power, they were devoted to the Law. For the sake of the Hope, whose fulfilment depended upon the observance of God's will, they were ready to co-operate with the advocates of any method of enforcing it. God used instruments in the past in order to accomplish his purpose for his people. Not all his servants were to the mind of the Pharisees. But to the other characteristics of the Stoics, which they shared, they added the habit of suspending their judgment, until some proof should be given whether such and such a thing were of God or not.

¹ Philo, ii. 257 M, *De Vict. Offer.* Compare Matt. xi. 28 f.

The narrative of the controversy, if such it can be called, which is permanently associated with Corban presents other features of interest, which are not without importance for the proper understanding of the situation. It is preserved by the first and the second of the four Evangelists, and the third recounts a similar incident which leads up to the same teaching about real as contrasted with external purity. This teaching does not enter into the scope of the present article: it is sufficient to note here that such insistence on the requisite significance of sacraments is common in the writings of the prophets and in the tradition of the elders.

The account given in the Gospel according to St. Matthew presents some rearrangement of the original, and, though clearly secondary, is worth some consideration.

"Then there come to Jesus from Jerusalem Pharisees and scribes, saying, Why do thy disciples transgress the tradition of the elders? for they do not wash their hands when they eat bread. But he answered and said to them, And why do ye transgress the commandment of God for your tradition? For God said, Honour the father and the mother; and, He that curseth father or mother, let him die the death. But ye say, Whoso say to the father or the mother, Gift be the profit thou mightest have had of me, he shall not honour the father of him¹. So ye have invalidated the word (law) of God for your tradition. Hypocrites², well did Isaiah³ prophesy concerning you, saying,

¹ The Sinaitic Syriac converts the formula from that of a vow into that of an oath:—"Corban if thou shalt be profited from me," i. e. "I swear by the Gift which is upon the altar that thou shalt not be profited from me." The Curetonian Syriac has "my offering thou shalt be profited from me," in apparent agreement with the old Latin version *donum meum proficiet tibi*. In this case we have to consider one who says and does not. Compare Jas. ii. 15 f.: "If a brother or sister be naked, and in lack of daily food, and one of you say unto them, Go in peace, be ye warmed and filled; and yet ye give them not the things needful to the body; what doth it profit?"

² Syr. Respecters of persons.

³ Isa. xxix. 13.

This people honoureth me with the lips,
 but their heart is far away from me.
 But vainly do they worship me,
 teaching doctrines commandments of men ¹."

From the question propounded it appears that there were already disciples of Jesus in Jerusalem, with whom the Pharisees were ready to fraternize. The Gospels attributed to St. Luke and St. John bear out the inference; and even when the scandal of a crucified Messiah had alienated the many, James can say to Paul, "Thou seest, brother, how many myriads there are among the Jews of them that have believed and all are zealots for the law ²." The statement is so incredible, that it must be fact and not fiction; and it is supported by Paul's reference to Christians who avoided persecution from the Jews by insisting upon the circumcision of their Gentile converts ³.

The reply of Jesus deals with the transgression of the tradition generally without apparent reference to the particular case adduced. It is implied that the tradition of the elders is not of such paramount authority as the Pharisees maintained. Jesus speaks as a Sadducee among Pharisees; and suggests to them that, as transgressors of God's Law, they have no right to arraign the transgressors of mere human traditions. The Law does not support their requirement of ceremonial purity, and their conduct has been denounced by the prophet Isaiah. No defence or justification of the conduct alleged is offered by Jesus. For the original narrative we must go to Mark.

II. JEWISH SACRAMENTAL MEALS.

So far as it can be determined, the beginning of the original narrative would seem to have been as follows:—

"And there gather to him the Pharisees and some of the scribes, being come from Jerusalem, and having seen

¹ Matt. xv. 1-9.

² Acts xxi. 20.

³ Gal. vi. 12.

some of his disciples that with common hands they eat the loaves. And they ask him, Why walk not thy disciples after the tradition of the elders, but with common hands they eat the loaf?"

For the sake of Gentile readers two notes were added:—

(i) the explanation of *common*:—"that is unwashen."

(ii) a summary of that part of the tradition which concerns purifications:—"For the Pharisees and all the Jews except with the fist they wash the hands do not eat, holding the tradition of the elders. And from market, except they bathe, they do not eat. And other many things there are which they received to hold, washings of cups, and pitchers and pots¹."

The former gloss is adopted by Matthew in place of the original phrase. The latter appears to be based upon the parallel incident recorded by Luke², in which it is said: "Ye Pharisees cleanse the outside of *the cup and the dish*³."

This ruling of the Scribes, that one should wash one's hands *before* eating bread, has no certain warrant of Scripture; and even after the destruction of the Temple it was not always regarded as a matter of obligation. There is no need therefore to follow the later copyists, Western and Syrian, in assuming that the conduct of Jesus' disciples was censured or condemned⁴ by these inquirers.

It is true that God requires cleanness or innocence in his people; and that clean hands are the outward and visible sign which should accompany and betoken a pure heart. So, for example, the Psalmist puts *cleanness of*

¹ Οἱ γὰρ Φαρισαῖοι καὶ πάντες οἱ Ἰουδαῖοι, ἐὰν μὴ πύγμῃ νίβωνται τὰς χεῖρας, οὐκ ἐσθίουσι, κρατοῦντες τὴν παράδοσιν τῶν πρεσβυτέρων· καὶ ἀπὸ ἀγορᾶς, ἐὰν μὴ βαπτίσωνται, οὐκ ἐσθίουσι· καὶ ἄλλα πολλὰ ἐστὶν ἃ παρέλαβον κρατεῖν, βαπτισμοὺς ποτηρίων καὶ ξυστῶν καὶ χαλκίων (Mark vii. 3 f.).

² Luke xi. 37-42.

³ Τοῦ ποτηρίου καὶ τοῦ πίνακος.

⁴ The "Received Text" adds ἐμέμψαντο, Codex Bezae κατέγνωσαν at the end of Mark vii. 2.

hands as the equivalent of *righteousness*, which is obedience to all the judgments and statutes of the Lord.

"Jehovah rewards me according to my righteousness ;

"According to the cleanness of my hands returns to me.

"Because I have kept the ways of Jehovah,

"And have not acted wickedly (in departing) from my God¹."

But the actual ablution is only required of priests, when they approach the altar, and of persons who are about to partake of a sacrificial meal. So it is written: "And Moses and Aaron and his sons washed their hands and feet, when they went into the tent of meeting, and when they came near the altar²"; and again: "Samuel said to the elders of Bethlehem . . . Sanctify yourselves and come with me to the sacrifice³."

Special precepts⁴ might be found, which convey the general principle to those who can pierce beneath the surface; but the excessive repetition of rites and ceremonies is apt to lead to mere formalism and a neglect of their significance. The Rabbis and the Sages, therefore, did not regard this practice as a universal duty, incumbent upon all at this time, but left it as a matter which each man should decide for himself.

It is said in the treatise entitled *Blessings*: "We have learned that to wash oneself before meals is optional, but to do so after meals is obligatory: to wash oneself before meals is an interruption, but not so after meals. What does this interruption mean? According to R. Jacob ben Aha, it means that one should wash twice. R. Samuel ben Isaac asked: 'Why do they insist so strongly upon the accomplishment of an action which has just been stated to be optional?' 'It is of importance,' says R. Jacob ben Idi, 'for it happened once that pork was given to a man to eat as not seeing him wash himself

¹ Ps. xviii. 21 f. Compare Ps. xxiv. 4, where Briggs (*I. C. C.*, ad loc.) suspects interpolation of *hands*, and Job ix. 30; xvii. 9.

² Exod. xl. 31 f.

³ 1 Sam. xvi. 8.

⁴ e.g. Lev. xv. 11.

before the meals. . . . Others say that three persons died as a consequence of this negligence¹."

The story of the Jew who omitted to wash his hands before eating, and was therefore given pork to eat, is told more fully in the *Bemidbar Rabba*². It seems legitimate to infer from it that the practice arose in the time of the persecution of Antiochus Epiphanes; and that to wash one's hands and to repeat the appropriate blessing before a meal had come to be the characteristic mark of a devout Jew.

But in view of the admitted discrepancy of rulings on this point of the Halacha, the question is rather why did the Pharisees or some of the Scribes or both incline to insist upon it as a duty. Apparently they had witnessed the extraordinary sanctity of the disciples of Jesus in Jerusalem, and by their present errand recognized the authority of the Prophet of Nazareth. That the Law was inconsistent with itself they knew. The prophets, the sages, and the scribes in turn had repealed its provisions. A teacher whom some regarded as a faithful prophet was within his rights, if he had really repealed this prescription of the Tradition. If the ritual act of hand-washing had lost its significance and connotation of inward purity, it were better abolished; as another prophet had said, "Rend your hearts, and not your garments."

These Pharisees and these Scribes do not justify the custom to which they adhered. Its purpose and origin were presumably matter of common knowledge. It was the duty of the father and the teacher to explain why such and such rites were observed in Israel. But now the student is left without instruction to rediscover the cause of the practice for himself.

From the passages of Scripture already cited, it would appear that the duty was binding only upon such as were

¹ Jerusalem Talmud *Berakhoth*, VIII, Gemara.

² § xx: on Numbers xxiv. 3, *He took up his parable and said*. "Halacha, He that hath eaten without washing his hands, of what does he become guilty? Our Rabbis have taught:—the washing of the hands before the meal is optional, but after the meal it is a duty."

in some respect of a priestly character, and upon them and others at such times as they were preparing for a sacrificial meal.

Pharisees and Nazarenes—at any rate those who resided at Jerusalem—naturally spent their lives in the service of Jehovah. So far they shared the priestly function and character, and could not free themselves from the requirements of the current priestly code. If then the meal, to which reference is made, were in any sort sacrificial, those who partook of it must first wash their hands. Jesus, the Pharisees would assume, had presumably given a dispensation to his disciples in respect of this custom as in that of fasting.

It is unnecessary to cite later conceptions, whether Jewish or Christian, of the table as an altar and the ordinary meal as a sacrament¹. It would be easy to reply that this evidence was not valid for the time, when the temple of Jerusalem was standing. None the less it must be urged that there were Jews in foreign parts and outside the Holy City who could not always go up to the central sanctuary when they wished to enter the presence of God. The benediction of the meal required preparation of heart, if not always of hand, at all times. And if God provided the food, he was in some sort the giver of the feast and was recognized as present there, if only in the person of a hypothetical priest.

Apart from such general considerations, there is definite evidence that ordinary meals, or those to which guests were invited, were regarded as equivalent to sacrificial meals. It is written in the Law: "And this shall be the right of the priests from the people, from them that sacrifice the sacrifice, whether ox or sheep; he shall give to the priest the shoulder, the two cheeks, and the maw²."

¹ Mr. Abrahams adds the note, "That the table became so regarded in later Judaism is undeniable, and some Jewish customs still prevalent are based on the idea that the meal—especially the Sabbath meal—is a sacrifice and a sacrament."

² Deut. xviii. 3.

The language points unmistakably to a sacrificial meal; but Philo and Josephus agree with the Rabbis in extending the statute, and therefore the formula *sacrifice the sacrifice*, to meals which had no specifically religious purpose. Thus Philo says, "From those things which are sacrificed (slaughtered) away from the altar for the sake of flesh-eating, three things are enjoined to be given to the priest, arm, cheek, and what is called the maw¹."

And again: "Moses teaches by examples. He begins by admonishing and chastening the appetite of the belly; for he assumed that men would never give the rein to the other lusts or appetites, but would restrain them because the eldest and chief of them all had learned to obey the laws of temperance. . . . So he bridled the desire both of eating and of drinking, by precepts which are conducive to self-control and to philanthropy, and, the greatest of all, to piety. . . . He enjoins that no one taste anything at all before he separate² the firstfruits³."

From this it follows that any and every meal must be shared with God himself in the person of his priests, and thus becomes a means of communion between God and his worshippers, which is independent of the Temple and the Temple-worship. When the Temple was destroyed, all surviving rites and ceremonies inevitably rose in importance, and were enforced as equivalent substitutes for the system of sacrifices, which necessarily ceased. Hence the pious custom practised by the righteous became the duty of every Jew who deserved the name, as in the days of the persecution. Bread is a term wide enough to cover all food. It is a Rabbinic commonplace that all eating of bread is to be understood of the study of Torah. Gatherings are properly for the sake of feasting⁴. The food is that which God created for men to partake of with thanksgiving; for it is sanctified by means of God's word and supplication⁵.

¹ ii, p. 235 M.

² διακρίναι.

³ ii, p. 351 M.

⁴ συνάγειν means elsewhere, if not in Mark, l. c., to entertain.

⁵ 1 Tim. iv. 4.

So in his prison the Rabbi Aqiba will go thirsty, that he may sanctify himself for his scanty meal. So the Christians of Corinth must realize that they gather together to eat the feast of the Lord God, and must conduct accordingly, for fear of what penalties they may incur if they neglect the requisite *discrimination* of the firstfruits¹.

It is written in the Law: "Sanctify yourselves therefore, and be ye holy²." Two purifications are required. It is a duty to wash one's hands before and after a meal. For the meal is the substitute for the sacrifice of the Peace Offering, which is also the sacrifice of salvation³. And it is written again: "This is the law of the sacrifice of peace offerings. . . . If he offer it for a thanksgiving, then he shall offer with the sacrifice of thanksgiving unleavened cakes . . . and beside the cakes . . . leavened bread . . . but the soul that eateth of the flesh of the sacrifice of peace offerings, that pertain unto the Lord, having his uncleanness upon him, even that soul shall be cut off from his people⁴." On the other hand, if the meal have no sacred character, the unclean and the clean may eat thereof⁵; thus there was no need for the washing of hands, benediction, or discrimination.

Mark's phrases, *the loaves* and *the loaf* or *the bread*⁶ perhaps bewray his consciousness that the celebration of the Holy Communion was based upon an extant practice of the Pharisees. But whether he knew it or not, it seems a plausible conclusion, from the evidence available, that in the Assembly of the home for the meal—whether all daily meals or one of them, or one meal in each week—the Pharisees had found something to supplement the Assembly of the House of Assembly as an adequate alternative to the Temple of Jerusalem.

¹ 1 Cor. xi. 20-30.

² Lev. xx. 7.

³ LXX, τῆς θυσίας τοῦ εὐχαριστοῦ.

⁴ Lev. vii. 11 ff.

⁵ Deut. xii. 15, 22.

⁶ τὰς ἀρτους (Mark vii. 2), τὸν ἄρτον (Mark vii. 5).

III. THE LAW OF GOD AND THE PRECEPTS OF MEN.

"Jesus saith to them, Well did Isaiah prophesy of you (as it is written), This people with the lips honoureth me, but the heart of them is far away from me; but in vain they worship me, teaching teachings commandments of men. [Leaving the commandment of God, ye retain the tradition of men¹.]"

The requirement that the hands should be washed as a religious duty before any or any particular meal involves a multiplication of observances and a potential supersession of the worship at Jerusalem. Similar conditions and causes had produced similar results at an earlier time in the history of Israel. With bitter irony the prophet Amos had said to those who forsook and belittled the central sanctuary: "Come to Bethel and transgress, to Gilgal and multiply transgressions; and bring your sacrifices every morning and your tithes every three days, and offer a sacrifice of thanksgiving of that which is leavened, and proclaim freewill offerings and publish them; for this liketh you, O ye children of Israel, saith the Lord God²."

Ceremonies and acts of ritual have no value in themselves. To multiply them beyond what is written is to transgress; for it implies that their performance is in itself meritorious. But men need ritual for their souls'

¹ Mark vii. 6-8, Westcott and Hort edit the text thus: ὁ δὲ εἶπεν αὐτοῖς Καλῶς ἐπροφήτευσεν Ἡσαΐας περὶ ὑμῶν τῶν ὑποκριτῶν, ὡς γέγραπται ὅτι

Οὗτος ὁ λαὸς τοῖς χεῖλεσιν με τιμᾷ,
ἡ δὲ καρδία αὐτῶν πόρρω ἀπέχει ἀπ' ἐμοῦ·
μάτην δὲ σέβονται με,
διδάσκοντες διδασκαλίας ἐντάλματα ἀνθρώπων·

ἀφέντες τὴν ἐντολὴν τοῦ θεοῦ κρατεῖτε τὴν παράδοσιν τῶν ἀνθρώπων. But the Sinaitic Syriac omits τῶν ὑποκριτῶν (only here in St. Mark), which Christian copyists would be only too ready to insert. Codex Bezae omits ὡς γέγραπται ὅτι, which is at any rate obviously parenthetical: compare its addition of *and said* which is supported by the Sinaitic Syriac.

² Amos iv. 46.

sake. The service of the Synagogue could not wholly replace the worship of the Temple. The ministry of the word, to adopt phrases which belong to the Nazarene sect of Judaism, must be supplemented by the ministry of tables, if God is to be accessible otherwhen than on Sabbath and elsewhere than in Synagogue. Even, perhaps particularly, those who could find their way to the Temple at more than the necessary seasons feel the need of additional means of grace. So the men who succeeded Moses and the prophets provided the props and satisfactions of piety, which were lacking, for men's sake. True, such things were the teaching of men, but what else is Torah itself? The only difference is that the authors of the Law were men who had acquired sanctity because they lived so long ago. Now—in the first century of the current era—as then, it was true that *mentem mortalia tangunt*. The guides of the people inspired directly or indirectly endeavour to cope with human needs.

The text of this prophecy of Isaiah is that of the Septuagint¹, whose language is faithfully reproduced, and not that of the Masoretic Hebrew². The original triplet has been adapted—probably not now for the first time—for the purposes of separate quotation. In particular the prefatory formula *the Lord said* seems to be disregarded.

The Scripture was indeed a text, to which both Pharisee and Sadducee might well appeal in their controversies about the validity of the Oral Tradition. If such it be—a proof-text and no more—the extent to which its original context is contemplated by Jesus must remain a doubtful question. It can hardly be excluded absolutely. Jesus might wish to correct erroneous conclusions derived from it in its

¹ Καὶ εἶπεν Κύριος Ἐγγίσει μοι ὁ λαὸς οὗτος ἐν τῷ στόματι αὐτοῦ καὶ ἐν τοῖς χεῖλεσιν αὐτῶν τιμῶσιν με, ἡ δὲ καρδία αὐτῶν πόρρω ἀπέχει ἀπ' ἐμοῦ· μάτην δὲ σέβονται με διδάσκοντες ἐντάλματα ἀνθρώπων καὶ διδασκαλίας.

² Wherefore the Lord said, Forasmuch as this people draws near | with its mouth and with its lips they honour me and its heart it removed from me | and their fear of me is a commandment of men which hath been taught.

naked form. And possibly he actually adduced more of the preface or the sequel, which his reporters omitted as irrelevant or superfluous. At least he may have advised the Scribes to read the whole section for their guidance.

The preface speaks of a time when men shall be drunken, not with wine, but with a spirit of stupor¹. It is a time when "All vision is become unto you as the words of a book that is sealed, which men deliver unto one that is learned, saying, Read this, I pray thee, and he saith, I cannot, for it is sealed²." It is a time when "all they that watch for iniquity are cut off, that make a man an offender by a word . . . and turn aside the just with a thing of nought³."

It is not merely the case that the actual proof-text is an obvious weapon to use. Its original context squares with the situation as Paul conceived it, and Jesus before him⁴.

That the teachers of the people were dependent upon the written word of God for their enlightenment was no fault of their own. They had found as yet no faithful prophet and were shut up to the painful task of interpretation of Scripture. Perforce they taught "every man his neighbour and every man his brother, saying, Know the Lord⁵." Not yet was the promise of the new covenant fulfilled. Only in the coming age would God write his law in the heart of his children, so that all should know him from the least of them unto the greatest of them.

The closing verse of this first section of Jesus' reply is omitted by the Sinaitic Syriac version and also by Matthew. It appears to be a doublet of the opening of the second section and is repeated in another form at its close. The accretion may be due to different translations of the original saying, or more probably to the collocation of correspondent Scriptures which constitutes primitive exegesis. The disciples of Jesus believed the Scripture

¹ Compare Rom. xi. 8.

² Isa. xxix. 11.

³ Isa. xxix. 20 f.

⁴ Rom. xi. 8; 1 Cor. i. 19; compare John xii. 40.

⁵ Jer. xxxi. (xxxviii) 31 ff.

and the word which Jesus said¹: they understood the sayings when they had correlated them to the oracles of the earlier prophets.

In consequence of this interpolation the usual Marcan and Talmudic formula *and he was saying* has been inserted. The Imperfect tense denotes that in the Evangelist's opinion the chief point of the incident is not yet reached. The vivid Present is used only of the original question² and of the private instruction of the disciples³.

The original saying in its original form would seem to be—

"Ye leave the commandment of God to establish your tradition⁴."

It is the link between Isaiah's prophecy and the appeal to a current ruling of some scribes. The *tradition* is "the commandments of men," to which Isaiah referred. The scribes *leave* the commandment of God, by refusing to give their disciples *leave* to obey it⁵. This paronomasia has become obscured in the Greek text, which is now received by all; but may be restored with the help of the preceding doublet and the Sinaitic Syriac.

The substitution of *ye annul* (ἀθετεῖτε) for *ye leave* (ἀφίετε) might be the result of scribal error: ι and ει are practically indistinguishable, and φ is easily confused with θ. But a prophecy of Ezekiel, the titular Son of Man, offers a more plausible explanation. It is written: "And there came a word of Jehovah unto me, saying, Son of man, say unto her, Thou art a land which is not cleansed . . . and *her priests have annulled my law*⁶, and have profaned my holy things: between holy and profane they did not distinguish, neither have they showed difference between unclean and clean⁷."

¹ John ii. 22.

² Mark vii. 5.

³ Mark vii. 18.

⁴ Ἀφίετε τὴν ἐντολὴν τοῦ θεοῦ ἵνα τὴν παράδοσιν ὑμῶν στήσητε.

⁵ Mark vii. 8 ἀφέντες τὴν ἐντολὴν τοῦ θεοῦ κρατεῖτε τὴν παράδοσιν τῶν ἀνθρώπων (from ἀνθρώπων of Isa., l. c.).

⁶ Ezek. xxiii. 23 ff.

⁷ LXX, καὶ οἱ ἱερεῖς ἠθέτησαν τὸν νόμον μου.

This prophecy was not adduced by Jesus; for on a superficial view it was absolutely inappropriate. The distinction between clean and unclean had now been carried to an excess, if excess be possible. The Sabbaths of God were observed with the utmost exactitude. The very name of God was preserved from profanation by all the devices which human ingenuity could suggest. Men had been found by God and for God, who should fence a fence and stand in the gap before God for the land¹. The fence maker was surely the Rabbi, as the Greek translator implies by his rendering:—"a man of right behaviour and standing before the Lord completely in the crisis of the land, that he destroy it not utterly²."

It is noteworthy that neither Jesus nor even the subterranean interpreter of his Saying sees fit to apply to the scribes as yet the denunciation of their order by Jeremiah. At the end when the keepers of the vineyard determined to slay him who claimed to be the heir, a parable is spoken and a parable is performed, in which traces of this prophecy may be found. God's vineyard is to be taken from the rulers of Israel; and the fig-tree, that has nothing but leaves, is blighted. As it is written: "How do ye say, We are wise, and the law of the Lord is with us? Vain hath become the false pen of the scribes. The sages are shamed . . . because they repudiated the law of the Lord. . . . Therefore I will give . . . their fields to the heirs, and they shall gather their fruits, saith the Lord. . . . *There are no figs on the fig-trees, and the leaves have fallen off*³."

Here, however, there is no denunciation; only a statement of fact. Tradition conflicts with the Law. What of that? In the exercise of the authority committed to them, the Scribes, like Jesus himself, were ready to repeal what

¹ See Ezek. xxii. 26, 30.

² Ezek. xxii. 30, LXX, *ἄνδρα ἀναστρεφόμενον ὁρθῶς καὶ ἐστῶτα πρὸ προσώπου μου ὁλοσχερῶς ἐν καιρῷ τῆς γῆς τοῦ μὴ εἰς τέλος ἐξαλείψαι αὐτήν.*

³ Jer. viii. 8 ff., LXX. The omission of 10 b-12 is perhaps an example of the Exurgation with which Justin taxes Trypho.

was said to them of old. Had not the Psalmist set aside the whole system of sacrifices¹? Had not Jeremiah foreseen a new Covenant²?

If Moses and Aaron were to be superseded, it was a small thing that *as a punishment* a man should be debarred from the performance and therein from the reward of "the first commandment with promise." For this saying is connected with what follows rather than with what precedes. "Upon the seat of Moses," Jesus said to the crowds and to his disciples, "the Scribes and the Pharisees have sat them down. All things therefore whatsoever they say to you, do and observe³."

And in reference to the minutiae of the Tradition, which seem to us the meticulous requirements of a wanton pedantry, he said again, The Scribes tithe mint and anise and cummin. Nothing is so small that their Law neglects it. In their attention to trifles they tend to lose sight of the great essential principles involved. They are right to do as they do, but not to forsake justice, mercy, and faith⁴.

So Philo, his contemporary, who strove *more suo* to proclaim the inward significance of the Law and to fulfil it, insists that apprehension of the spirit does not warrant neglect of the letter. Like the good Christian, the good Jew must provide things honest in the sight of all men—as the Pharisees did. There is a virtue in a consensus of opinion and some truth in the proverb, *Vox populi vox Dei*. Not for nought do the Pharisees of any religion—hypocrites though they may be—perform their rites and ceremonies so as to be seen by men for an example. The fourth gift promised to Abraham (Gen. xii. 2) is greatness of name. . . . He who both is and appears good is truly happy and really great of name. One should provide for fair fame (προνοητέον . . . εὐφημίας) as for a great thing and

¹ Ps. xv. 6-8; see Epistle to the Hebrews, x. 5-9.

² Jer. xxxi. 31-4; see Heb. viii. 7-13.

³ Matt. xxiii. 1-3.

⁴ Matt. xxiii. 23.

beneficial to the life in (*lit.* with) the body. It comes to almost all who with joyful contentment (σὺν ἀσμενισμῷ κινουῦσι) disturb none of the existing ordinances, but keep the ancestral polity carefully. For there are some who, regarding the literal laws as symbols of spiritual things, have elaborated some overmuch while they lightly slighted others. Such I should blame for their levity. For they ought to care for both the more exact search for invisible things and also for blameless husbandry of the manifest. But now, as in a desert, they live alone by themselves or have become bodiless souls knowing neither city, nor village, nor home, nor, in a word, any company of men at all; they peer over what is apparent to the many, and seek truth naked as it is in itself. But the sacred word teaches them to have regard for a good reputation and not to relax (λύειν) any of the things contained in the customs which divine (θεσπέσιοι) and greater men than those of our time decreed.

The Sabbath may be a lesson of teaching about the power belonging to the uncreated and of rest from labour and inactivity of the creature. But let us not therefore loose the legislation concerned with it as to light a fire, or till the ground, or carry burdens, or lay accusations, or go to law, or demand back deposits, or exact loans, or do the other things which are commanded on non-feast days.

Nor yet because the feast is a symbol of the soul's gladness and of thanksgiving to God should we renounce the assemblies at the seasons of the year.

Nor yet because circumcision signifies the excision of pleasure and all passions, and the destruction of impious opinion wherein the mind supposed itself competent to beget of itself, may we destroy the law laid down for circumcision. Since we shall neglect the ritual of the sanctuary and ten thousand other things if we take heed only to that which is indicated by means of allegories.

We must regard the literal sense as like a body and the others like soul. . . . If we keep the one, the other, of which

the first is symbol, will be more clearly recognized, and forbye we shall escape censure and accusation from the many.

Seest thou not that even to Abraham the sage it saith that both great goods and small accrue. . . . The former correspond to the laws of nature, the latter to made laws¹. The self-taught Isaac prays for the lover of wisdom that he may receive both spiritual and material good things² (Gen. xxvii. 28).

IV. CORBAN.

"And he was saying to them, Ye do well that ye leave the commandment of God, that ye may establish your tradition³. For Moses said, Honour thy father and thy mother; and, He that curseth father or mother let him surely die: but ye say, If a man say to the father or the mother, Corban be the profit thou mightest have had of me—no longer do ye let him leave to do anything to the father or the mother [making of none effect the word of God by the tradition which ye delivered; and many such-like things ye do]⁴."

The preface has already been discussed. It remains here to notice that the law infringed is described as *the commandment of God* or *the word of God*, although it is cited with the formula *Moses said*. His description agrees with ancient and modern usage. It is written, *God spake these words and said*. And Philo speaks of the Ten Oracles as "those which God Himself pronounced without prophet or interpreter⁵."

¹ *De migr. Abr.* (ed. Cohn and Wendland, vol. II, §§ 86-94).

² *Ibid.*, § 101 (ed. Cohn and Wendland, vol. II, p. 288), p. 452 x.

³ Καλώς is generally regarded as bitterly ironical (so 2 Cor. xi. 4). The rendering given is that of the Sinaitic Syriac: compare Jer. i. 12 חֲסִידִי לִי, LXX, καλώς ἐώπωνας.

⁴ Mark vii. 10-13.

⁵ *De Spec. Legg.*, iii, § 7.

The conclusion is not necessarily a mere doublet of the preface like its predecessor. The Scribes by their ruling did actually invalidate the law in question so as to nullify the promise which it contained ¹.

So at long last we reach the appeal to the practice of Corban. At the outset it must be noticed that Jesus breaks off suddenly in his account of the action which is taken by the persons addressed in the specified circumstances. Such abruptness—an anacoluthon—as the grammarians call it—is commonly the sign of intense emotion. “Ye say . . .” What do they say? We are not told—only that it comes to this: “Ye no longer permit him to do anything to father or mother.”

What then is the feeling which arrests and interrupts the utterance? The common answer seems to be indignation such as any pious Jew would feel at the neglect of the honour due to parents. But if any one inclines to accept this view let him hear the words of Jesus: “He said to another, Follow me. But he said, Permit me first to bury my father. He said to him, Let the dead bury their dead, but do thou proclaim the kingdom of God. Moreover another said, I will follow thee, Lord, but first permit me to take leave of my household. Jesus said to him, No one who has put his hand to the plough and looks behind is fit for the kingdom of God ².”

And again, “When multitudes were going with him he turned and said to them, He that cometh unto me and hateth not father and mother and brothers and sisters and wife and sons, my disciple he cannot be ³.”

This renunciation is required by the Law of the High Priest and the Nazirite. He must so far as possible be removed from human infirmity. Like the fugitive Levite he must renounce his kindred. A priest may defile him-

¹ Cf. Gal. iii. 17 διαθήκην προκεκυρωμένην ὑπὸ τοῦ θεοῦ δ . . . νόμος οὐκ ἀκυροῖ εἰς τὸ καταργῆσαι τὴν ἐπαγγελίαν.

² Luke ix. 59 ff.

³ Luke xiv. 25 f. Matthew (x. 37) mitigates the severity of the demand.

self for his mother, father, son, daughter, brother, and virgin sister; but not the high priest¹.

So Philo²: "The high priest he withdrew from all mourning. And reasonably enough. For the services of the other priests one can perform in place of another, so that even if some are mourning none of the customary rites is omitted. But the services of the high priest none is permitted to do. For which cause he must remain always undefiled without touching a dead body, in order that he may be ready at the fitting seasons and perform without let or hindrance the prayers and sacrifices on behalf of the world.

"And apart from this, being allotted to God, and having become the leader of the holy order, he ought to be alienated from all created things. He must not be so overcome by affection for parents, or children, or brethren, as to postpone any of the holy rites, which were better done immediately. The commandments of the law design that he become superior to pity, and live always without grief. For the law wishes him to partake of a greater nature that belongs to man as he approaches nearer to the divine nature, being, if one must say the truth, midway between both, that through this sort of intermediary men may appease God, and God using a kind of underling may extend and supply his graces to mankind."

Jesus then required of his disciples that they should devote their lives absolutely to the service of God. This sacrifice of human affections he had made himself.

The first-born son of his mother, he belonged as such to God. "They brought him up to Jerusalem to present him to the Lord (as it is written in the law of the Lord, *Every male that openeth the womb shall be called holy to*

¹ Lev. xxi: N.B. omission of *wife*. Compare Deut. xxxiii. 9 (father, mother, brethren, children), and Matt. x. 37 (father, mother, son, daughter), with Luke xiv. 26 (father, mother, *wife*, children, brethren, and sisters). Compare 1 Cor. vii. 32 ff.

² *De Monarchia*, ii. 12 (p. 230 M).

the Lord) and to offer sacrifice, according to that which is said in the law of the Lord, *a pair of doves or two young pigeons*¹." And when the parents brought in the child Jesus that they might do according to the custom of the Law, Symeon, a just and pious man, who was expecting the consolation of Israel, took him in his arms, and under the influence of the Holy Spirit acclaimed him as Messiah². The story suggests unmistakably that this child could not be redeemed by any sacrifice. Nevertheless, it is said that "they accomplished all that was according to the law of the Lord³." This general statement may be held to override the impression produced by the description of their errand and of the intervention of Symeon and Hanna. Even so the next and final tradition preserved in Luke's Infancy Gospel proves that the child held himself to be Corban.

"And his parents went every year to Jerusalem at the feast of the passover. And when he was twelve years old, they went up after the custom of the feast; and when they had fulfilled the days, as they were returning, the boy Jesus tarried behind in Jerusalem; and his parents knew it not; but supposing him to be in the company, they went a day's journey; and they sought for him among their kinsfolk and acquaintance: and when they found him not, they returned to Jerusalem, seeking for him. And it came to pass, after three days they found him in the temple, sitting in the midst of the doctors, both hearing them, and asking them questions: and all that heard him were amazed at his understanding and his answers. And when they saw him, they were astonished: and his mother said unto him, Son, why hast thou thus dealt with us? behold, thy father and I sought thee sorrowing. And he said unto them, How is it that ye sought me? wist ye not that I must be in my Father's house?"

¹ Luke ii. 23 f.

² Luke ii. 25 ff.

³ Luke ii. 39.

Different opinions may be held with regard to the value of these narratives. If their historicity is denied, one might suggest that fiction must be more obviously in keeping with the supposed character of its hero than fact, which is apt to be irrelevant and inconvenient. In any case, Jesus repudiated his mother and his brethren at a later time, and commanded his disciples to obey the Scribes' directions.

The inference is irresistible. For his life or for a term of years Jesus of Nazareth had vowed himself to the service of the Kingdom of Heaven. Circumstances had changed; say, the husband of his mother died. He had consulted—once more—with the doctors of Jerusalem, if haply he might be released from the vow. He had no clearness in the matter, nor had they. Scripture all but shouts outright that vows must be performed. Had he said to his mother, "Corban be the good thou mightest have had of me"? So he must say at Cana of Galilee, "Woman, what have I to do with thee? My time is not yet come¹." If his vow was only for a term of years, did he set his face to go up to Jerusalem at the last, because the time had come that he should pay his vow? Certainly death pays all debts; and, dying, Jesus gave his mother a son in place of himself who was found and lost at once.

Whether this be a valid explanation of the intense feeling which is evident in the broken saying of Jesus or not, at least the conjecture suggests one case, in which the formula of interdiction of advantage would be pronounced by a son to his parent or parents. If a man believed himself to be a prophet of God, whether sanctified from the womb, like Elijah, or called later to the office, like Elisha, he must needs say farewell of his father and mother. If for any reason, however apparently good, he desired to be absolved from the vow of service to God, the Sages or Scribes, to whom he must appeal in so weighty a case, had to choose between their human instincts and the dictates of the Law, between the honour of God and the honour of

¹ John ii. 4.

parents. The problem rarely occurred, but it was impressive and difficult enough to become an academic question for the schools. And it is hard to justify any other answer than that given by the Scribes to whom Jesus refers. True, they cannot have been Pharisees of the ordinary type; for the Pharisees were notorious for their leniency. Perhaps they were Scribes of the Sadducees, or shared the unswerving and unflinching devotion to the honour of God which characterized the school of Shammai. At any rate, if a man (as Josephus says) named himself Corban he could not be released from his vow before the expiration of the term, if any term were specified. It is written in the Law, "When thou shalt vow a vow unto Jehovah thy God thou shalt not delay to pay it; for Jehovah thy God will surely require it of thee, and it will be sin in thee¹." And the Preacher says, "It is good that thou make no vow, rather than that thou shouldest vow and pay not. Give not thy mouth to make thy flesh to sin, and say not before the messenger of God, It was an error²."

It is said in the Mishna of the treatise *Chagigah*³ that "the rules concerning the dissolving of vows fly about in the air and there is nothing upon which they can rest." But in the *Gemara* a Baraita is appended which gives some passages of Scripture to which various Rabbis appealed in support of their various decisions. "Rabbi Eliezer says they have something upon which they may rest, for it is said 'when he shall separate,' 'when he shall separate' twice. One separation has to do with binding and one separation with dissolving." This interpretation of the repeated phrase is disallowed by R. Tarphon on the ground that "the state of the Nazirite is not given except on condition of separation⁴."

¹ Deut. xxiii. 21-23; compare Num. xxx.

² Eccles. v. 4-6.

³ Streane's translation, p. 47.

⁴ Ibid., p. 48. See Lev. xxvii. 2; Num. vi. 2. The precise meaning of the expression is uncertain. Gray renders: When any man or woman shall discharge a vow, with the note, that this, to discharge or accomplish

The fact is that the justification of the dissolution or remission of a vow taxed the ingenuity of the Rabbis to the utmost. As men they felt that it was necessary in certain circumstances. As God's ministers they felt that even so it was contrary to the honour of God. The point at issue is the sanctity of the vow. Herein Scripture conflicted with Scripture, and only God, some thought with Philo, could resolve the controversy. "There are some who say that they will not have so-and-so or so-and-so to share board or roof with them, or again that they will not confer any benefit upon so-and-so or receive anything from him till death. And sometimes even after the death they are still irreconcilable, refusing in wills even to the dead bodies the performance of the customary offices. Such I would counsel to conciliate the Deity with prayers and sacrifices that they may win some treatment of the soul-sicknesses, *which no man is competent to heal*¹."

For Philo vows are of the nature of a sacrament which is vitiated by any change of purpose in the mind of the person who makes the vow. So commenting on the Scripture, "And God blessed the seventh day and hallowed it," he says:—

"The characters formed according to the seventh and truly divine light God blesses and straightway declares holy. For he that deserves blessing (*ὁ εὐλόγιστος*) and he that is holy are near akin to each other. Therefore of him that vowed the great vow it saith, that if a sudden turning swoop down and defile the mind no longer shall he be holy²."

And again, commenting on the word *found* in the passage "Noah found grace before the Lord God," he distinguishes

a vow, is a sense which satisfies all passages, though how it was acquired is not clear. Numbers *I. C. C.*, pp. 61 and 64.

¹ Philo, ii, 273 *κ*.

² p. 46 *κ*. The reference is to Num. vi. 9, "And if any man die very suddenly beside him and he defile the head of his separation"; but Philo substitutes his spiritual interpretation for the actual letter.

between *finding* (εὕρεσις) and *recovery* (ἀνεύρεσις), and says:—

“Of the former the regulations of the great vow are the clearest example. A vow is a request for good things from God; but the great vow is to reckon God in himself alone as the cause of good things apart from the co-operation of any secondary cause which appears to bestow any advantage—such as the soil as fertile, the rains as giving increase to seeds and plants, the air as capable of nourishing them, agriculture as cause of crops, or physic as cause of health, or marriage as cause of birth of children. For all these secondary causes by God’s power admit of changes and turnings, so that often they produce abnormal and extraordinary results. Him therefore Moses pronounces holy who nourisheth the hair of his head, meaning the man who increases the summary shoots of virtue’s decisions in his mind, and in a manner wears his hair long and prides himself thereon. But sometimes he flings them off when a whirlwind, so to say, swoops down upon the soul, and snatches away all its noble thoughts. Now this whirlwind is a certain unconscious turning, which suddenly pollutes the mind and is called death. Nevertheless he puts it away in its turn, and being cleansed takes up and remembers what he had forgotten, and finds what he cast away. . . .¹”

But Philo describes those who take this vow as “having become by excess of misanthropy unsociable and aloof in nature”; and in his treatise on Right-swearing he clearly deprecates the practice. In this he agrees with R. Aqiba, who summed the sense of Scripture in two sayings:—“Vows are a fence to purity²,” and “Be not rash in vows lest thou violate oaths³.” The Jews of Alexandria, like the Jews of Galilee, were apparently given to much swearing; and the Rabbis were concerned to eradicate this fault. Even the solemn formula of the Nazirite vow

¹ p. 285 M (ed. Cohn and Wendland, vol. II, p. 75).

² Bacher, *Ag. Pal. Tann.*, i. 276.

³ Bacher, *op. cit.*, p. 280.

had become a mere oath uttered vainly and with no righteous purpose. In such circumstances the refusal of absolution, carrying with it exclusion from the promise of life, was the proper penalty. Moses said, "He that curseth or dishonoureth father or mother must die." Jesus himself cited the Scripture, and did not plead for any mitigation of the sentence.

So Philo: "Him that sweareth vainly in an unjust cause, God, who is gracious in nature, will never free from guilt—for such an one is *unclean and foul*—though he escape punishment from men. But he will never go scot-free, for there are thousands of watchers, zealots for the Lord, exact guardians of the ancestral customs."

Here then is a clue to the connexion of Jesus' reply with the original question. His disciples are ceremonially unclean; and so are the disciples of the Pharisees. "THESE EAT AND THOSE SWEAR WITH UNWASHEN HANDS," as the proverb has it. "Some have such easiness in the matter of swearing that passing by all created things they dare to run up in their speech to the maker and father of the universe, without first examining places if they be profane or sacred, times if they be suitable, themselves if they be clean in body or soul, matters if they be important, or needs if they be urgent. No, as the saying goes, *with unwashen hands*¹, confounding everything, they swear as if it were necessary, since nature provided them with a tongue, to use it loosed and unbridled for illegitimate ends²."

The multiplication of religious observances is a danger. Familiarity may breed contempt in the case of meals as in the case of vows. The Scribes were witnesses to the danger which existed in respect of the latter. The measures which they adopted accord with the saying of Jesus,

¹ Compare Hesiod, *Works and Days*, 724-6:

μηδέ ποτ' ἐξ ἡοῦς Δῖλ λείβεμεν αἶθρα ὄνον
 χερσὶν ἀνίπτουσιν μηδ' ἄλλοις ἀθανάτοισιν
 οὐ γὰρ τόλγῃ κλύουσιν ἀποπτύουσι δέ τ' ἀράς.

² Περὶ εὐδοκίας ii.

"But I say to you"—whatever more lenient teachers may say—"every idle word which men shall speak, they shall give account concerning it in the day of judgment. For out of thy words thou shalt be justified and out of thy words thou shalt be condemned¹."

Jesus will have nothing to do with the charitable expedients devised by the Pharisees for the relief of their disciples:—"Woe unto you, ye blind guides, which say, Whosoever shall swear by the temple, it is nothing; but whosoever shall swear by the gold of the temple, he is a debtor. Ye fools and blind: for whether is greater, the gold, or the temple that hath sanctified the gold? And, Whosoever shall swear by the altar, it is nothing; but whosoever shall swear by the gift that is upon it, he is a debtor. Ye blind: for whether is greater, the gift, or the altar that sanctifieth the gift? He therefore that sweareth by the altar, sweareth by it, and by all things thereon. And he that sweareth by the temple, sweareth by it, and by him that dwelleth therein. And he that sweareth by the heaven, sweareth by the throne of God, and by him that sitteth thereon²."

To refrain altogether from swearing is the only safe course:—"Again, ye have heard that it was said to them of old time, Thou shalt not forswear thyself, but shalt perform unto the Lord thine oaths: but I say unto you, Swear not at all; neither by the heaven, for it is the throne of God; nor by the earth, for it is the footstool of his feet; nor by Jerusalem, for it is the city of the great King. Neither shalt thou swear by thy head, for thou canst not make one hair white or black. But let your speech be, Yea, yea; Nay, nay: and whatsoever is more than these is of the evil one³."

It remains to examine briefly the details of this description of the conflict between the ancient and the modern lawgivers.

¹ Matt. xii. 36 f.

² Matt. xxiii. 16-22.

³ Matt. vi. 33-37.

The former of the two sayings of Moses is the text by which the Rabbis of the school of Eliezer would seek to open the way for the dissolution of the vow. "Were you," they would say to the penitent delinquent, "conscious of this chief commandment, when you made the vow from which you seek release?" It is indeed incredible that a Jew should have been able to forget the honour of parents. But anger, as Philo says, is a despotic mistress; and the Pharisees were indulgent to human infirmity.

The second saying of Moses lays down the penalty proper to the infringement of the first. But according to Mark it was quoted in the form *he that curseth* (לְקַלֵּל) instead of *he that dishonoureth* (לְחַלֵּל). The difference between the Hebrew words is slight enough; but *to curse* is clearly a greater crime than *to dishonour*. If the Greek represent faithfully the form of words used by Jesus, the offence of the penitent is even more unpardonable. He has interdicted himself from the honour of parents, and has also prostituted the Corban formula, using it not merely as an oath, but as a curse. It is a breach of the third and the fourth commandments in one. "If a man revile those whom he ought to bless or in any other way do anything to the dishonour of parents, let him die¹."

The formula of interdiction of benefits as given by Mark is a literal translation of that quoted in the treatise *Nedarim*. There is a story of a man in Bethhoron, who pronounced it against his father, and repented. The vow was irrevocable; and he was overreached by the friend whom he employed to evade it. Such a case is quite exceptional. It was the duty of parents to provide for their children, not of children to provide for their parents. But the benefits for which a parent naturally looks to his son must not be restricted too rigidly to maintenance. There are other practical proofs of the right honouring of father and mother².

Nevertheless, when Philo refers to such as make this vow

¹ Philo.

² See *Eccclus.* iii.

he mentions only husband, father, and ruler. "If these," he says, "pronounce the nurture due to wife, son, and subject sacred, they must withhold it. It is no longer theirs. *If they repent or correct what they said, then their life also is forfeit*¹."

If a vow be meant in this saying of Jesus, we are shut up to the case of the Nazirite or quasi-Nazirite. If the formula be used as a mere oath or curse, we must consider the case of a man who, in spite of this sin, has prospered while his father fell into want. Once more Philo comes to our aid and states a case in point.

One of the richer class lately embraced an extravagant and luxurious life. An old kinsman or a friend of his father came and admonished him, counselling him to change his mode of life in the direction of a greater seemliness and austerity. Angered immeasurably at the counsel, he swore that he would be as contentious as his betters—that so long as he had the means he would never economize, in town or country, in his travels on land or on water, but always and everywhere he would display his wealth².

Suppose that the father lived and had only given his son the portion of the inheritance which belonged to him—and you have the Parable of the Prodigal Son³ with another ending to serve as an example.

It is written in the Law: "And it shall come to pass, when your children shall say unto you, What mean ye by this service? that ye shall say, It is the sacrifice of the Lord's passover, who passed over the houses of the children of Israel in Egypt, when he smote the Egyptians and delivered our houses." This is the function of the child to get and to keep a firm hold upon the significance of familiar ceremonies, lest they become mere ceremonies and nothing more. And this is also the function of Jesus,

¹ Philo apud Euseb. *Prep. Ev.*, viii. 7.

² Philo, ii, 273 κ .

³ Luke xv. 11 ff.

who thanked God that his secrets were revealed unto babes and sucklings. "Vere scire est per causas scire."

Like Socrates at Athens, Jesus went about stirring men, confronting them with their inconsistencies, and compelling them to answer the question, What mean ye by this service—and this—and this?

There is a Baraita—an Agraphon¹: ON THE SAME DAY, JESUS, SEEING ONE WORKING ON THE SABBATH, SAID TO HIM, MAN, IF THOU KNOWEST WHAT THOU DOST BLESSED ART THOU; BUT, IF THOU KNOWEST NOT, CURSED ART THOU, AND A TRANSGRESSOR OF THE LAW.

J. H. A. HART.

¹ Found in Codex Bezae, Luke vi. 5.

SHARSHOTH KESEF.

THE HEBREW DICTIONARY OF ROOTS,
BY JOSEPH IBN KASPI.

AMONG the writers at the end of the thirteenth century stands out prominently Joseph ben Abamari ben Joseph ben Jacob, of Kaspia, the Hebrew translation of the French name of Argentière in the south of France.

Born in 1280, he emigrated early to Tarascon, and afterwards lived in Catalonia, Aragon, and Valencia in Spain. He was a man of independent means and high culture. Deeply influenced by the philosophy of Maimonides, he devoted his leisure and his natural disposition to writing many books of a philological and philosophical character. A keen observer of men, taught by experience, he did not hold his contemporaries in high estimation, and took no care to conceal his feelings. Of a wide range of view, and versed in the philosophical teachings of the time, he applied the principles of rational interpretation in his Commentaries to the Bible, and in his other writings; and in his Epistles to his son he sharply castigated the foibles and tendencies of his contemporaries. This drew upon him the animosity of his adversaries, and the freedom with which he commented on the text of the Bible stamped him in their opinion as a man whose ideas should not be propagated, nor destined to be admired by succeeding generations.

The result has been that most of his writings have remained unknown almost to this very day. It has been my good fortune, at the suggestion of Dr. Gaster, to turn my attention to this long forgotten writer, and I have been unexpectedly favoured in the discovery and publication of the largest number of his writings that

have survived. Ten appeared under the title עשרה כלי כסף, and then משנה כסף in two volumes¹. But the list of his writings is by no means exhausted, for he himself mentions having written twenty books, and it is not improbable that even that number falls short of the actual number of his writings. Since publishing those four volumes I have found also the work סם הכסף in the possession of Mr. E. N. Adler, a small epitome of his views under the form of Homilies, and the Bodleian has recently acquired the Commentary of Kaspi to the former and latter Prophets ארני כסף². All these are either Commentaries to the Bible, or short philosophical and ethical treatises. But a book of purely philological import is the one preserved in a unique MS. in Paris, a Dictionary of the roots of the Hebrew language, written in an old Spanish cursive hand, Cod. 1244. It is unique from more than one point of view and undoubtedly deserves to be published in its entirety. It is the greatest monument of the philosophy of the Hebrew language that has ever been attempted. I have neither the competence nor the necessary preparation to judge this book in comparison with similar attempts that have been made by modern scholars in trying to elucidate the inner meaning of the different Hebrew roots or stems, but I make bold to say that no one has yet attempted to dive so deeply into the mysteries and the origin of language and the primary meaning of the roots which form the Hebrew language. The principal object with our author seems to have been to reconcile the different meanings, often totally divergent from one another, which are given to one and the same root. The homonyms seem to have exercised a special attraction on Kaspi, and he tries to go back to the abstract idea which lies at the basis of these contradictory meanings and he endeavours to reconcile these differences, often in a recondite way, by that original

¹ עשרה כלי כסף, ed. I. Last, 2 vols., Pressburg, 1903. משנה כסף, ed. I. Last, 2 vols., Krakau, 1905.

² MS. Hebr. e 90.

abstract meaning which he attaches to the primary roots in the language. Whether these abstract and philosophical interpretations will recommend themselves to modern scholars or not is not for me to say, but Kaspi's work is undoubtedly a remarkable attempt in that direction. Nor am I competent to say whether he is following examples set him by Arabic lexicographers. I must leave this to other scholars to decide. The system he follows is to group all the words belonging apparently to the same root under one rubric, and to explain their ramification and change of meaning; he takes cognizance of the interpretations which had been offered by his predecessors, notably Kimḥi and Ibn Janāḥ. He refers specially to Maimonides, Ibn Ezra, Saadia Gaon, to Ḥayuj, Samuel Ibn Tibbon, and also to the writings of Aristotle in their Arabic tradition, Abu Hamed, Averroes (Ibn Roshd), Abu Nassar, and others. He refers to other philosophical writings besides physics and natural sciences; he shows himself fully conversant with the Hebrew and Arabic literature, and he also introduces many old French glosses (La'az r'yb) in order to interpret some technical expression used by him.

As the book would form a large volume if published completely, which under actual circumstances I could not undertake, I avail myself gratefully of the suggestion of Mr. Abrahams to publish here only abstracts culled from the whole alphabet, which may serve as a specimen for the contents of the book.

I have selected those that are most characteristic of the book and of the author, and I hope that these specimens may induce some scholar or scholars able and willing to undertake the task to acquire my copy and publish it in a manner worthy of the work and its author.

I. LAST.

שרשות כסף.

אמר המחבר, ראה ראיתי כי היה י"י עמנו לדעת חלקים גדולים מכונת לשון הקדש, מפני שהקפרנו על לשוננו אשר הוא לשון הקדש ומהות הוראתו כפי מה שיכלנו ממה שנמלט בידנו ומעם רבים מן המפרשים אשר קדמו לפנינו, לכן קמנו ותתעורר לחבר ס' השרשים, ועל שם יחוסנו קראנו זה שרשות כסף. וברב השרשים נראה איך טעו — ובפרט תחכם אבן גנאח והח' אבן קמחי — בכמה מקומות שראינו דבריהם מפוזרים וגרם להם זה סכלתם במלאכת הגיון, אשר ענינה וגדרה אינו רק הישרת הדבור הפנימי והתחזני. א"כ איך נדע במה נהיה ישרים, ואיך נדע פקודי ה' ישרים, אלא א"כ נלמד תחלה זאת המלאכה אשר הדורים תישר, ולכן מי שירצה לעמוד על לשונות לשון הקדש יעמוד תחלה על שלשה סדרים אשר חברנו, והראשון קצוד הגיון הכולל לכל הלשונות הנקרא צרור הכסף, השני הפרקים הכוללים דרכי לשון הקדש הנקרא רתוקות כסף, השלישי פרטים מלשון הקדש הנקרא שרשות כסף. וכי יעמוד באלה באוזן וחקור לא יצטרך רק לבא כסדר בידיעת פרושנו על ספרי הקדש אחד לאחר, והראש הוא ספר התורה הנקרא ספר י"י, ודבר י"י, ותורת משה, ועקר הכל לדעת דבר גדול והוא הנמנה בכלל מעשה בראשית ומעשה מרכבה.

ואתחיל בספר השרשים ועמנו האלהים בראש ומאתו אשאל ההישרה אל האמת, ואחל בעזרת המלמד לאדם דעת:

אבח. לא מצאנו מזה השרש רק אבחת חרב (יחזקאל כ"א כ'), ולומר שהא"לף במקום ט"ית חלילה ל', כי כבר הקדמנו זה בפרקים שזה נמנע, ולומר שענינו כמו להט² בעבור שנמצא במקום אחר להט החרב (בראשית ג' כ"ד) הגה זה אפשר לא מחוייב, אבל מאי זה ענין נניחהו נעשה ממנו כל הבנינים וגם השמות עם שני המשקלים:

אבך. בזה מה אעשה, ואין בירינו רק ויתאבכו נאות עשן (ישעיה ט"ז), ולומר שענינו ויתעבו או ויתקשרו או ויתנשאו, זה אפשרי לא מחוייב, אבל שאפשר מזה שאמר אבן קמחי שחסר מזה כ"ף הדמיון⁴, חלילה, כי

¹ העתקתו נמצא ביד N 1329. 1268; כ"י אקסטר.

² כ"הי נמצא באוסקן.

³ ס' השרשים הוצאת באר עמוד 10 וכן הר"ד; :

⁴ הר"ק בשרשיו וחסרה כ"ף הדמיון וזישרו ויתאבכו כנאות עשן.

טעם הוא הוא ומעם הדומה הם שני מינים, וכל אחד טבע בעצמו, ולכן פעם יתנו האחד ופעם יתנו האחר, כי אמרו ע"ד מפין וחרב וחץ שנון איש ענה ברעהו עד שקר (משלי כ"ה י"ח) שהוא מטבע הוא, היה נכון מצד טבע הוא הוא. ובספר משלי מאחד משני המינים האלו למאות, והכל ישוב אל טבע שם האחד, וכבר התבארו שלשה אלו השמות במה שאחר הטבע. ואולם איך שנקח הוראות זה השרש אעשה ונעשה כל השמות והבנינים:

אבל. מזה השרש אוכל לזוור ענינו כי נמצא בידנו ממנו שמוש הרבה.

וסוג ענינו אחד מן המינים שנכנסים תחת סוג ההפסד והחערר, והשם מזה שיוורה על מהות זה המין, אָבֵל כבד (בראשית נ" י"א), ומזה המקרה שהושג למקום הנקרא נורן האמד (שם) קראו שמו ואמרו אָבֵל מצרים (שם) אבל כרמים (שופטים י"א ל"ג) אבל מחולה (שם ז' כ"ב), וכן קראו שם לנחר ידוע אצלם אמרו אָבֵל אולי (דניאל ח" ב") כאמרו על נהרות בבל (תלים קל"ז א"). אבל השם המורה הנגוד אמר אבל וחפוי ראש (אסתר ו' י"ב). ואולם הפעלים מצאנו מן הקל כי אָבֵל עליו עמו וכמדוי עליו יגילו (הושע י" ה") כלום' שעליו יגילו בזמן העבר או היום, כמ"ש והבית הזה יהיה עליון (מ"א ט" ח") שמעמו יהיה או שהיה או שהוא, ר"ל שהוא מורכב הרכבת באור ותנאי, והער מה שכתב מזה כותב דברי הימים (דהי"ב ז' כ"א). ומצאנו עוד מן הקל, אבל אמללה ארץ (ישעיה ל"ג ט") על כן תאבל הארץ (הושע ד' ג'), וכן ויאבל חיל וחומה (איכה ב' ח"), כי כל זה מענין העדר מתנגד לקנין ומציאות, כמו אומלל ואומללו, וכן אבלה נבלה הארץ (ישעיה כ"ד ר') כמו שענת נבלה הוא מהפסד, כאמרו והעלה נבל (ירמיה ח' י"ג), וכן נפשו עליו תאבל (איוב י"ד כ"ב) תפסד ותעדר, עם שידוע שתוף נפש כמו שנבארהו במקומו, וכבר סמך לזה תחלה אך בשרו עליו יכאב. ונמצא בנין התפעל ויתאבל על בנו (בראשית ל"ז ל"ד) חולת זה, והכל תחת סוג ההפסד מצד דיוק אבן רשד או אבחמד, וזה כי המתאונן והמתאבל מפסיד עצמו, ואם הסכימו לעשות הבנין הראשון והאחרון, ר"ל הפעל קל והתפעל אין ספק שג"כ הסכימו לעשות חששה הנשארים, ולמה לא? ואולי עשו מענין העדר השלילה שהכל הוא מציאות דבר, עם היות דבר סוג מלת המעם, ומזה בחבור, ר"ל הא"לף והב"ית והל"מ, ואמרו אבל שרה אשתך (בראשית י"ז י"ט), ויותר מבואר מה שכתוב אבל אדנינו המלך דוד (מ"א א" ט"ג), כי כאשר שמע אדניהו ויאמר ליהונתן בא כי איש חיל אתה וטוב תבשר, ענהו, לא כלומר לא טוב אבשר כמו לא ארני שמעני (בראשית כ"ג י"א).

שמעם לא שלילה קצרה לדבר לא נמשך אחריו. וכן לא אדני ועבדיך באו וט' (שם מ"א י"), ואין חובה שיהיה בכל מקום. כי אם, א, כי, רק, והדומה לה, כי בן נכון לומר אלו כמו שנכון אמרו לא כי ברחוב נלין (שם י"ט ב"), וכן המעם באמרנו אבל שרה אשתך (שם י"ז י"ט), כי הוא שלילת מה שקדם, כאלו אמר השם לאברהם אין דעתי על ישמעאל שילדה הנר. וכן מאמר נחמי אבל בן אין לה (מ"ב ד" י"ד) כאלו אמר אין דבר לעשות לה ממה שחשבת, וכבר הניח אבן קמחי כל זה. אבל חסה אני איך אח"כ כתב דבר זה לשוננו, וענין אבל אשמים אנחנו (בראשית מ"ב כ"א) אבל אשה אלמנה אני (ש"ב י"ד ה") וכל המאורע הנמשך כאלו אמרה אין לי דבר בעולם ועסק אחר עתה רק זה. וכבר זכרנו שאחר מלת לא אין שם רק וא"ו כמו ועבדיך באו (בראשית מ"ב י") או גם בלא וא"ו כמו אדני שמעני (שם כ"ג י"א), ואם הכותב פרוש שם שהקדים וכתב ששללו אלה, אין חובה לו שיעשה כן תמיד. ואולם ראה כי אחר כל מלה נמשך מאמר מחייב ונזירה מחייבת, ובכלל קיום דבר, ולכן יטעו המעינים ויחשבו שזאת המלה היא לקיום עד שכל מלמדנו הסכימו ללעז אותה כמו אמת, וזה שוה עם מה שילעזו בענין אמת וקיים, גם מלת הלא כאמרו הלא לאלהים פתרנים (בראשית מ"ח) והכונה לומר השלילה בתמה כרי שיתחייב מזה החיוב, ופעמים ינחו החיוב בתמה כרי שיתחייב מזה השלילה כאמרו היפלא מי' דבר (שם י"ח י"ג), הכי אחי אחה (שם כ"ט ט"ו) התלכי עם האיש הזה (שם כ"ד נ"ח), ופעמים יבארו ויכתבו הכל כמו ההצליח י"י דרכי אם לא (שם כ"ד כ"א) הכצעקתה הבאה וג' ואם לא אדעה (שם י"ח כ"א) כאשר נפרשם ובכמה מקומות בספרי הקדש ובפרט בספר משלי ישימו העלול והמתחייב ופעמים העלה והמחייב:

אגל. אל גנת אנו (שיה"ש ו" י"א), ונראה על כל פנים שהוא שם מין פרי, ואולי הוא מה שהוסכם ללעזות לומר נו"ז¹, ואיך שיהיה מחוייב ממה שהקדמנו בפרקים מדברי אבן רשד בשמות הנמצאות, שזה השם הונח לזה המין מן הפרי אם מצד קצת סבותיו אם מצד סגולותיו ומקורו, לכן צריך לנו שנדע תחלה הוראת חיבור הא"לף והגי"מל והו"ן, ר"ל על מה הסכימו מיסדי הלשון שוירה זה החיבור, כמו שנאמר עד"מ שהשם שם למין הפרי הנקרא בלעז פו"ם² תפוח, מצד שמסגולותיו כמו שכתבו הרופאים שהוא מנפח ומוליד נפח, כאשר קראו לכלי הנקרא בלעז סו"פוט³ תפוח, כאמרו נחר מפח (ירמיה ו' כ"ט), וכן למין הנקרא

¹ Nuz.² Pomeyre.³ Suflet.

אמי"נלה¹ שקד ושקדים, אשר מזה מבואר מדברי ירמיה שהושם לו זה השם מענין שקידה (ירמיה א" י"א י"ב) ואם נאבד לשוננו ולא נדע הוראות זה השרש, אבל מחויב חיוב הכרחי כי ההסכמה בכל חיבור אותיות הוא להוראת מת, ובפרט היה באנו ובכל שרש אנו כן, ואיך שנפרשהו נעשה כל השמות והבנינים :

באר. כבר הודענו באות הא"לף עם מה שחקדמנו בפרקים, כי כאשר נרצה לעמוד על הוראת שרש אחד, נראה הדומים לו בכל העברי מאי זה שיחית מן הדמיון, ובוה נשיג הטבע הכולל לכל הנכנסים תחת אותו הדמיון. ואחר הטבע הכולל לכל הנכנסים תחת שרש אחד לבדו. אבל כל זה נעשה כפי יכלתנו, לא כפי רצוננו, וזה בעבור שאין כל שמוש העברי בידנו, ואחר שהקדמנו זאת ההקדמה הכוללת, אומר בבאן בפרט כי באר ובור וברר וברא וברה שש הנה, שכלם תחת סוג וטבע לאחר בהסכמת הלשון, וזה שהסכימו שענין כלם יהיה ברירת הדבר, עם היות תחת ברירה מינים הרבה, אבל הענין הכולל הוא ברור וברירה. והנה יותר מבואר בשלשה הראשונים שהם תחת סוג אחד, כי הכל פעל האדם שיעשה כשהוא חופר בארץ ובורר מתוכה אבנים ועפר וצוריות, עד שתשאר הגומא נקיה וימצא שמה מים, וכן ברא יש בו פעל ברירה כי אמרו עד"מ בראשית ברא ונ' (בראשית א"), למן היום אשר ברא אלהים (דברים ד" ל"ב) הנה בהכרח אחד מהמכון בזה, שהשם ברר האדם עד"מ מכלל סוג החי שהוא משותף בו עם הבהמות ושאר בע"ח, והברילו מהם בדבור, וכן הדין בשמים ובארץ ובכל מין ומין, כי לכל מין יש הברל עצמי מברילו ומיחדו משאר המינים. ואיך הלכו הקודמים סביב האמת ולא השיגוהו! וענין אחר הפעל בדגוש, ובראת לך שם (יהושע י"ז ט"ו), ובראתיו והיה לך תצאתיו (שם), ויד ברא בראש דרך עיר ברא (יחזקאל כ"א כ"ד), ענינם ברורה ובחירה, והנה איך יעלה על לב חכם, כי שמוש הפעל דגוש יוציאנו לענין נבדל שאין לו יחס עם שאר שמוש ברא, ואין הדגוש רק לחזק התאר, ודי לנו שגם הקודמים מודים שיש בשורש ברא מעם מה ויחס מה מענין ברירה. ואולם ברא וברה מבואר זה באמרו ברו לכם איש (ש"א י"ז ח"), ובהגיעי לשרש ברא וברה אבאר כל זה יותר, ואבאר כי אין בשרש ברא רק סוג או מין אחד וכן בשרש ברה, וכי ישלם פרושי באלו השרשים כלם, יודע כי ברר סוג העליון כמו הגשם עד"מ או הצמת, וכי כל אחד מן החמשה הנשארים היה כל אחד סוג כמו החי, ותחת כל אחד מהם מינים ואישים, ובכלל כי בכל העברי

¹ Almondeyr?

שמעם לא שלילה קצרה לרבר לא נמשך אחריו. וכן לא אדני ועבדיך באו וגו' (שם מ"א י'), ואין חובה שיהיה בכל מקום. כי אם, אן, כי, רק, והחומה לזה, כי כן נכון לומר אלו כמו שנכון אמרו לא כי ברחוב נלץ (שם י"ט ב'), וכן המעם באמרנו אבל שרה אשתך (שם י"ז י"ט), כי הוא שלילת מה שקדם, כאלו אמר חשם לאברהם אין דעתי על ישמעאל שילדה הנר. וכן מאמר נחזי אבל בן אין לה (מ"ב ד' י"ד) כאלו אמר אין דבר לעשות לה ממה שחשבת, וכבר הניח אבן קמחי כל זה. אבל תמה אני איך אח"כ כתב דבר זה לשונו, וענין אבל אשמים אנחנו (בראשית מ"ב כ"א) אבל אשה אלמנה אני (ש"ב י"ד ה') וכל המאורע הנמשך כאלו אמרה אין לי דבר בעולם ועסק אחר עתה רק זה. וכבר זכרנו שאחר מלת לא אין שם רק וא"ו כמו ועבדיך באו (בראשית מ"ב י') או גם בלא וא"ו כמו אדני שמעני (שם כ"ג י"א), ואם הכותב פרש שם שהקדים וכתב ששללו אלה, אין חובה לו שיעשה כן תמיד. ואולם ראה כי אחר כל מלה נמשך מאמר מחייב ונזירה מחייבת, ובכלל קיום דבר, ולכן יטעו המעיינים ויחשבו שזאת המלה היא לקיום עד שכל מלמדנו הסכימו ללעז אותה כמו אמת, זה שזה עם מה שילעזו בענין אמת וקיים, גם מלת הלא כאמרו הלא לאלהים פתונים (בראשית ט"ח) והכונה לומר השלילה בתמה כרי שיתחייב מזה החיוב, ופעמים ינחוזו החיוב בתמה כרי שיתחייב מזה השלילה כאמרו היפלא מי"י דבר (שם י"ח י"ג), הכי אחי אתה (שם כ"ט ט"ו) התלבי עם האיש הזה (שם כ"ד נ"ח), ופעמים יבארו ויכתבו הכל כמו ההצליח י"י ררכי אם לא (שם כ"ד כ"א) הכצעקתה הבאה וגו' ואם לא אדעה (שם י"ח כ"א) כאשר נפרשם ובכמה מקומות בספרי הקדש ובפרט בספר משלי ישימו העלול והמתחייב ופעמים העלה והמחייב:

אגלו. אל גנת אנו (שיה"ש ו' י"א), ונראה על כל פנים שהוא שם מין פרי, ואולי הוא מה שהוסכם ללעזות לומר נו"ז¹, ואיך שיהיה מחוייב ממה שהקדמנו בפרקים מדברי אבן רשד בשמות הנמצאות, שזה השם הונח לזה המין מן הפרי אם מצד קצת סבותיו אם מצד סגולותיו ומקורו, לכן צריך לנו שנדע תחלה הוראת חיבור הא"לף והגי'מל והו"וין, ר"ל על מה הסכימו מיסדי הלשון שזורה זה החיבור, כמו שנאמר עד"מ שהשם שם למין הפרי הנקרא בלעז פו"ם² תפות, מצד שמסגולותיו כמו שכתבו הרופאים שהוא מנפח ומוליד נפח, כאשר קראו לכלי הנקרא בלעז סו"פוט³ תפות, כאמרו נחר טפח (ירמיה ו' כ"ט), וכן למין הנקרא

¹ Nuz.² Pumeyre.³ Suflet.

אמי"נלה¹ שקד ושקדים, אשר מזה מבואר מדברי ירמיה שהושם לו זה השם מענין שקידה (ירמיה א" י"א י"ב) ואם נאבד לשוננו ולא נדע הוראות זה השרש, אבל מחויב חיוב הכרחי כי ההסכמה בכל חיבור אותיות הוא להוראת מת, ובפרט היה באנו ובכל שרש אנו כן, ואיך שנפרשו נעשה כל השמות והבנינים :

באר. כבר הודענו באות הא"לף עם מה שחקדמו בפרקים, כי כאשר נרצה לעמוד על הוראת שרש אחר, נראה הדומים לו בכל העברי מאי זה שיחיה מן הדמיון, ובזה נשיג הטבע הכולל לכל הנכנסים תחת אותו הדמיון. ואחר הטבע הכולל לכל הנכנסים תחת שרש אחד לבדו. אבל כל זה נעשה כפי יכולתנו, לא כפי רצוננו, וזה בעבור שאין כל שמוש העברי בידנו, ואחר שהקדמו זאת ההקדמה הכוללת, אומר בבאן בפרט כי באר ובור וברר וברא וברה שש הנה, שכלם תחת סוג ומטעם לאחר בהסכמת הלשון, וזה שהסכימו שענין כלם יהיה ברירת הדבר, עם היות תחת ברירה מינים הרבה, אבל הענין הכולל הוא ברור וברירה. והנה יותר מבואר בשלשה הראשונים שהם תחת סוג אחד, כי הכל פעל האדם שיעשה כשהוא חופר בארץ ובורר מתוכה אבנים ועפר וצורות, עד שתשאר הגומא נקיה וימצא שמה מים, וכן ברא יש בו פעל ברירה כי אמרו עד"מ בראשית ברא ונ' (בראשית א"), למן היום אשר ברא אלהים (דברים ד" ל"ב) הנה בהכרח אחד מהמכון בזה, שחשם ברר האדם עד"מ מכלל סוג החי שהוא משותף בו עם הבהמות ושאר בע"ח, והבדילו מהם בדבור, וכן הדין בשמים ובארץ ובכל מין ומין, כי לכל מין יש הברל עצמי שבידו ומיחדו משאר המינים. ואיך הלכו הקודמים סביב האמת ולא השיגוהו! וענין אחר הפעל ברגוש, ובראת לך שם (יהושע י"ז ט"ו), ובראתיו והיה לך תצאתיו (שם), ויר ברא בראש דרך עיר ברא (יחזקאל כ"א כ"ד), ענינם ברורה ובחירה, והנה איך יעלה על לב חכם, כי שמוש הפעל רגוש יוציאנו לענין נברל שאין לו יחס עם שאר שמוש ברא, ואין הרגוש רק לחזק התאר, ודי לנו שגם הקודמים מודים שיש בשורש ברא מעם מה ויחס מה מענין ברירה. ואולם ברא וברה מבואר זה באמרו ברו לכם איש (ש"א י"ז ח"), ובהגיעי לשרש ברא וברה אבאר כל זה יותר, ואבאר כי אין בשרש ברא רק סוג או מין אחד וכן בשרש ברה, וכי ישלם פרושי באלו השרשים כלם, יודע כי ברר סוג העליון כמו הגשם עד"מ או הצמת, וכי כל אחד מן החמשה הנשארים היה כל אחד סוג כמו החי, ותחת כל אחד מהם מינים ואישים, ובכלל כי בכל העברי

¹ Almondeyr?

נעשה סונים וסינים קצתם עליזים מקצתם, ואין זה על דרך אחד לנמרי בכלם, ר"ל ברחוק וקרוב או בעליון השפל, והכל לפי השמוש בשרשים וזה בבאן עד"מ, כי באר ובור וביר שהם נתי הע"ץ הם תחת סוג אחד קרוב בכל מה שנשתמש בו, לפי מה שנמצא בידנו, ואין רחוק משנאמר שהם תחת מין קרוב בכל מה שנשתמש בו, וזה כי שלשה עניני הפועל שיעשה האדם בחפירה בתוך הקרקע כאמרו כי חפרתי את הבאר (בראשית כ"א ל') באר חפרוה שרים (במדבר כ"א י"ח), ועכ"פ יש בכל באר ובור וביר חפירה מה שבתוכו, והבור ריק אין בו מים (בראשית ל"ז כ"ד), ובורות חצובים (דברים ו' י"א), וכן וירצוהו מן הבור (בראשית ט"א י"ד) תוך הקרקע בהכרח הוא, וכן ונמשלתי עם יורדי בור (תלים כ"ח א') שהוא הקבר, וכן מבואר אמרו כהקיר ביר מימיה (ירמיה ו' ו') שכלל שלשה אלה תחת מין קרוב עד שנכון לומר שהם נרדפים כמו חרב, סכין, מאכלת, אך יש הבדל בניהם כאשר למד אבוחמר. ובשרש בור וביר שהכל אצלי שרש אחד אאריך יותר, אבל בשרש באר שאנו בו אומר, כי עם היות סוג הוראתו העליון כמו שאמרנו ענין ברירה, תנה סוגו הקרוב הוא עם בור וביר מענין חפירה, ואם אינו בקרקע הארץ אבל חפירת דבר, עם היות דבר שם משותף גדול, וכן חפר שם משותף, כי נמצא עד"מ כי חפרתי את הבאר הזאת (בראשית כ"א ל') חופר נמץ (קהלת ו' ח'), ונאמר לחפור את כל הארץ באו (יהושע ב' ג') שאין המעם שאותם המרגלים באו לחפור בורות ובארות בארץ, אבל המעם להשיג תוכות עניני הארץ וסודותיה, כי זה הוא ענין המרגלים, כאמרו המוכה היא וגו' (במדבר י"ג י"ט) וכל הנמצא שם, ובשרש חפר אאריך, ודי לנו כאן בהודענו זה מענין חפר שהוא משותף, והצר השוה שבהם הוא ענין השגת תוכות הדבר, עם היות דבר ג"כ סוג משותף גדול מאד כמו יש ונמצא א"כ נגלה ענין אמרו הואיל משה באר את התורה הזאת (דברים א' ח'), באר היטב (שם כ"ז ח'), ובאר על הלחות (חבקוק ב' ב'), כי כל מבאד ומפרש דבר, אין ענינו רק פועל שהוא עושה בתוכו של אותו דבר, כאלו דומה שהוא חופר וחותר עד שהוא נכנס בתוכו של אותו דבר, ורואה ומשיג כל מה שהוא נסתר וסתום וסוד כמסם בתוכו, כמו שנפרש עוד שרש חתר ונקב, ובהו הוא בורר מה שבתוכו מין מין צד בצד, כי עד"מ מי שרצה לפרש מהו האדם, יכנס בתוך ובעומק מתותו, כי לא יספיק לו בהשתדלותו להשיג מראהו שהוא לבן ולא שחוטמו ארוך עד"מ, אבל יכנס בתוכו לדעת שהוא מחובר מד' יסודות וכמה מינים

מעצמות ובשר וגידים ועורקים ועצבים, וישים בציורו מין מין לברו, וזה יהיה בברירה נמורה, ואחר יכנס אל תוך נפשו ויברור מה כחותיה עד שישיג, שבה מין אחד מכח הצמיחת, ואחד מן ההרגשה, ואחר מן ההכנה והשכל, ויותר מאלו חמינים בנוף האדם לאין מספר, ועל דרך הקצור אומר כי מזאת הספירה בענין מחות האדם ישיג שגורו הוא, שהוא חי מדבר, ובכלל כל גדר דבר בן ענינו, ובוה הענין והמלאכת, נעשה כל גדר דבר שהוא לעולם נעשה מסוג והברל, ואין ענין הברל רק להבדיל ולברר דבר מדבר, ונגלה כי זה יעשה כל מחבר ספר ארוך או קצור, כ"ש מר"עה, והוא הרין לכותב מצד ענין המכתב, אשר מזה נאמר ובאר על הלחות וגו'. א"כ נגלה כי אחריו באר התורה הזאת עם היות ענינו הקרוב חפירה, הנה ענינו העליון ברירה והברל דבר מדבר, ואם תרצה אמור הפרשת דבר מדבר, כי ההפרשה וההבדלה הם נרדפים, ולכן הביאור והפרוש ענינים נרדפים מאד כמו שאבאר בשרש פ"רש, וגם עם שני אלה יכנס פ"רד וגם שם אאריך.

ועוד תדע כי גם על הענינים מצד מה שיוחס להם הציור ותוארו בשהם סתומים וחתומים, כמו שמבאר זה הלשון בדניאל (י"ב ט'), ועל כל סתום וחתום יאמר שהוא סגור ומסוגר, והפכו הפתוח והתקף וכל הדומה לזה, וכל אלה השמושים נופלים אם בנשם אם בנפש מצד הציור לעינים, ובהגיע לשרש שרש אאריך יותר. והעולה מכל מה שאמרנו, כי על המבאר הענינים לפי הציור השכלי האמתי, יאמר לו שהוא בורר וברא ובורה ומפרש ומבדיל וחופר וחותם ופותח ומחיר ומגלה, ואם ימצאו עוד בלשון מצד זה הרמיון בן יהיה, א"כ מכל מה שהקדמנו נגלה ונודע המכונן בבאן בשרש באר, שהוא תחת מין אחד עם בור וביר, כמו קאם וקום וקים, וזה מה שכיווננו באורו, וחזר זה והקש על זה, כי לא אוכל להאריך תמיד:

בתל. גם מזה לא נמצא רק שמות אם רמיון ראשון אם נגור, לא מצאתי לכתב בתולים (דברים כ"ב י"ז) ואלה בתולי בתי (שם), ואבכה על בתולי (שופטים י"א ל"ז), ולא מצאנו בהפרד כ"ש על זכר, וראוי זה בסימן שנים מצד היות הבתולים ליטם (י) ¹ ארונים מעורקים משני צדי אבר הנקבה כידוע לנו זה המעשה, ומי יתן ונדע בן ענין שאר הנתחים. וזמן השמות הנגזרים בתולה ואיש לא ידעה (בראשית כ"ד ט"ז), והכפל לחזק כמו כי מת אתה ולא תחיה (ישעיה ל"ח א'), ומבואר שענין שרש

1. בן ב"י ואולי חזונים ?

זה הוא מין חוץ דבוק, חלקים, דומה למה שאמרנו בשרש בִּישָׁר, כי רבותינו ז"ל השתמשו בו בחוץ דבוק חלקי הקרקע כאמרם קרקע בתולה (נדה ח'). תעור אמרו עד שמיניע לסלע או לבתולה (אהלות פמ"ז מ"ד) :

גבע. ראה זה כי הקמחי עשה בו ענינים שלשת, ואין שם אלא אחד נמור. וזה כי ענין זה אחד והוא התרוממות הדבר ובליטתו קרוב משרש גבה וגבן, ומה לנו מי הוא הנשוא, ולזה ההר כשישבו גבן גדול יקרא גבעה ובעון (ש"ב ב" כ"ד כ"ח). וכן כי הכובעים שנושאים במצרים השרים וכנהי י"י כהם, הם על צורה נפלאה מנבון (?) לחראות התגשאות ורוממות, עד שהם על צורת גבעה ונבעות נקראות מנבעות, וכן מסות כסף זהב יש ששחוחים בהם השרים, הם על תמונות בולמות ונבניות, נקרא נביע (בראשית מ"ד ב'). ולזה במעשה המנורה צורות כאלה, אשר לזה כתיב שם ארבעה נביעים (שמות כ"ה ל"ד).

אבל בעבור שיש הבדל מה ביניהם כפי דיוק אבחומד, שנו שלשה אלה בשם מיוחד לכל, וקראו לאחר גבעה ונבע ונבעות, ולאחר מנבעות ומנבעות, והאחד נביע ונביעים. ולא נמצא מזה רק שמות, ואולם מן הענין הראשונים נמצא ובה"א הנקבה גבעה ובסמוך גבעת שאול (ש"א מ"ז ל"ד) גבעת הערלות (יהושע ה" ד') ולרבים ההרים והנבעות, והשני מנבעת ומנבעות תעשה להם (שמות כ"ח מ'), והשלישי, וימצא הנביע (בראשית מ"ד י"ב) ואת נביעי נביע הכסף (שם פסוק"ב) שלשה נביעים (שמות כ"ה ל"ג) נביעים מלאים יין (ירמיה ל"ה ה') :

גנב. גם זה מין אחד ממיני הכסוי וההסתר וידוע לנו תהלה לאל, השם דמין ראשון בידו הגנבה (שמות כ"ב ג'). והנגור ע"ד הפועל כבשת גנב כי ימלא (ירמיה ב" כ"ז), וע"ד הפועל נגבתי יום וג' (בראשית ל"א ל"ט), ואין הי"וד נוספות רק ליחס לחוץ. ומן הפעלים מן הקל למה נגבת את אלהי (שם ל'), ומן הנפעל ואם גנב יגנב (שמות כ"ב י"א), ומן הדרוש מנבני דברי (ירמיה כ"ג ל'), ושלף נזכר שם פעלו ממנו, כי גנב נגבתי (בראשית מ"ט ט"ז) וגנב מבית האיש (שמות כ"ב ו'), וההתפעל ויתגנב העם ביום ההוא (ש"ב י"ט ד'). ובכלל רב שמשו כי רב מאד מנהגו באנשי זאת המלאכה :

דבב. מין הנעת הדבר החצוני, והשם ומוצא דבה הוא כסיל (משלי י" י"ח) מוצאי דבת הארץ (במדבר י"ד ל"ז), ומה שאמר הקמחי כי הבאת הדבה הוא אמת והוצאת דבה הוא שקר, הנה זה שקר לפי דעתי, אבל

חבל אחד על כל דבור אם אמת אם שקר, ובפרושנו לספר התורה אכריע שהמרגלים לא אמרו שקר, כמו שלא אמרה הנחש¹, אבל אמרו דברים רעים ובתנועות רעות כאשר אבאר במקומו בראיות. וכן הפעלים אמר דובב שפתי ישנים (שיה"ש ז' י"א), כמו שהודעתיד כי בעיון גם נקרא הבינוני והפעול פעל, ובעיון דק שם כמו שבארנו בפרקים:

דהר. מיוחד להרמת קול הסוס כמו שיוורה ג"כ הצהילה על מין אחד ממינו כאמרנו בלעז הנפלאר, ועל הצהילה אנדלייאר, ומצאנו וסוס דוהר (נחום ג' ב') מדהרות דהרות אביריו (שופטים ה' כ"ב), כלומר סוסי האבירים, ובעבור שיש מין עץ ידוע אצלם שכאשר יתנועע הרוח ישמע קול דומה לדחירת, קראוהו תדהר (ישעיה מ"א י"ט):

דוב. לא מצאנו מזה רק שמות נשמים כאמרו דוב אורב הוא לי (איכה ג' ט') והרבים ברנש לחזק כמו נהמה כדבים (ישעיה נ"ט י"א) שחים דבים (מ"ב ב' כ"ד), וזה השרש קרוב מאד אל שרש **דאב**, כי הדוב הוא בע"ח עומד עצב רע ומר תמיד, גם מעציב את האדם:

אות ה'הא. הה. כבר הודענו בשרש אהה שהיא מלה נהונה על אנחה יעוין שם, ומה שנמצא הילילו הה ליום (יהזקאל ל"ב):

הא. גם זה איננו רק מלה נהונה להעיר על המדובר לו, כמו הַא לכם רע (בראשית ט"ז כ"ג), הא דרכך (יהזקאל ט"ז מ"ג):

ה'ה. לא נמצא רק החים שוכבים (ישעיה נ"ו י'), ונבין שענינו הדבור בלתי מתוקן שיעשו רבים ובפרט חסרי חרעת בעת היותם מתנמנמים:

זוד. מונח לפועל דבר שיעשהו הפועל בכונה גדולה, וברוב הוא מונח לרעת, והשם, בא זדון (משלי י"א ב') הנני אליך זדון (ירמיה נ" ל"א) וכשל זדון (שם), והתאר זד יחיר (משלי כ"א כ"ד) גערת זדים ארורים (תהלים קי"ט כ"א) גם מזדים חשוד עבדיך (שם י"ט י"ד) והטעם על שאל וסיעתו. ומשקל אחר המים הודונים (שם קכ"ד ה'). ואם מן הפעלים אם מן הקל, ברבר אשר זדו עליהם (שמות י"ח י"א), כי אל י"י וזה (ירמיה נ" כ"ט) על משקל באה קמה. וכן הפעיל וכי יזיד איש על רעהו (שמות כ"א י"ד) כי הזידו עליהם (נחמיה ט' י'), ור"ל השתמשו הרבה בשרש זה באמרם תמיד מזיד הפך השונג, וזה כי העושה הרעה בכונה עצומה הוא עושה אותה בתכלית הרע. ומדעתי הפליג באמרו וזד יעקב נזיד (בראשית כ"ה כ"ט)

¹ ראה, "II, משה כפ", fol. 273, fol. 22.

כי נזיר משרש נזר, ואולם ויזר הוא משרש זה כמו ויזר, והמעם הזיר יעקב ועשה במיד ובכונה גדולה, ובפרוש התורה אאריך¹ יותר בע"ה:
חבב. מין אהבה, ור"ל השתמשו בו הרבה ולא מצאנו רק אף חבב עמים (רברים ל"ג נ"), למטון בחבי עוני (איוב ל"א ל"ג) המעם בחבתי ואהבתי להעון אבל גליתיו והרחקתיו, ואריסט' האריך בענין זה בס' המדות:

חזר. לא נמצא רק ואת החזר (ויקרא י"א ז'). ואולם ר"ל שמשו הרבה בלשון חזר ומחזר, והפליגו לתראותנו כי שמות הרברים הם מצד הגראה², כאמרם למה נקרא שמו חזיר שעתיד הב"ה להחזירו לישראל³ ומדעתי נקרא כן מצד שדרכו ללכת ולחזור לאחריו תמיד:

חליץ. אמר **אבן כספי**. ראה זה השרש מה כתב בו החכם הקטחי ואשר נכתוב בו אנתנו, ולכן ראוי שגדע כי שרש זה הוסכם שיהיה מורה כשינע האדם את הדבר ממקום למקום, שזה הוא התנועה באנה ולא כל דבר, אלא בתנאי כשיהיה הדבר ההוא דבוק במקום הראשון דבוק חזק, כי זהו ההבדל העצמי בגדר זה שהלשון הקצר בזה הוא תנועת הדבר ממקום כשהוא שם מדובק דבוק חזק, ואמרנו כשהוא שם מדובק דבוק חזק, הוא ההבדל המיוחד אותו והמודיע עצמיותו, כמו שיעשה המדבר בגדר האדם, והיותר מפורסם בזה השרש אמרו וחלצו את האבנים (ויקרא י"ד ט'), כי ידוע שהאבנים הם מדובקים בקיר דבוק חזק עם עפר וסיד ומעתיקים ומניעם אותם משם, ואחר זה מפורסם לבקיאים אמרו וחלצה נעלו (רברים כ"ה ט'), כי אותו הנעל כמו שקבלו ח"ל הוא במלאכה מיוחדת בדבוקו ברגל חיבם דבוק חזק ברצונות וקשרים, ולכן יש בנעל שתי לשונות אחרים, זה כי על הנעל הנהוג בארץ ההוא שאין בו רצונות כלל ולא שום קשר אבל הוא עשוי מעור קשה שהורחת, וצורתו כצורת מה שאנחנו קוראים אישקרפ, אמרו של נעליך מעל רגליך (שמות ג' ה') מטעם ונשל תברול מן העץ (רברים י"ט ה') וזה כי דרכם שלא להסיר נעליהם ביריהם, כי אם ינענעו רגליהם וישל הנעלעד למרחוק, ואולם על התנועה היה מן המחוייב לפי הסכמתם שהאיש העובד הנחלה לוקח בידו את נעלו ונותן לרעהו דרך סימן, כי הוא מפשים עצמו בידים ובכונה מאותו הקנין ונותנו בידו לרעהו, לכן אמרו שלף איש נעלו ונתן לרעהו

¹ במשנה כסף לא נמצא שרשו זה לא באריכה ולא בקצרה.

² ר"ל מצד מבט.

³ המאמר הזה יבקש ואינו.

(רות ד' ז') כמעט שולף חרב, ובאלה הזמנים במקרה וגם לנביאים עצמם. ובשרש נשל שולף עוד נכתוב. אבל הכונה בכאן על חלץ. והנה מזה השרש והענין נמצא שמות, וזה כי הבגדים היקרים כבגדי זהב ורקמה שהם נ"כ דקים מאד קראו אותם מחלצות, כאמרו והלבש אותך מחלצות (זכרוה נ" ד') המחלצות והמעטפות (ישעיה נ" כ"ב) כי כן נהוג גם אצלנו, כי אלו הבגדים כמו שנאמר במה שנקרא סנדום שהם עומדים מקופלים ונדהקים תוך שני דפים ככלי הנקרא דישטרייג בלעז, וכשירצו ללבוש אותם יתקוהו משם כאלו הם מחלצים אבנים מן הקיר הבני. ומענין זה השרש שבארנו נדרו קראו שם לחלקים ידועים מן האדם חלצים, מאמרו אזור נא כנבור חלציד (איוב ל"ח ג') מחלציד יצאו (בראשית ל"ה י"א), אם שהם המתנים או שני חלקים זה בצד זה, כי נמצא ג"כ מתניכם חגורים (שמות י"ב י"א) ואיך שיהיה הוא שם לחלק השררה מן האדם לאחריו שעצמותיו דבוקות שם דבוק חזק מאד בחליות ופרקים, והוא נכפף תמיד במ ומניעם ממקומם הלך ושוב, והפליט שאמרו וקח לך את חלצתו (ש"ב ב' כ"א) ויקח את חלצותם (שופטים י"ד י"ט) על כלי זין ידעו אצלם שהיה עשוי בחליות ופרקים דבוקים כנגד פרקי האדם עד שיהיו חלקיו דבוקים כשהאדם נצב, ומתנועעים כשהוא נכפף, כאשר אנו רואים תמיד גם אצלנו, והוא הנקרא בלעז פאלמינה שלובש האדם על כל גופו ואבריו בורעות ובשוקים וירכים וכרכים:

ואחר שהתחנן זה אומר כי מה ששמשו בפעלים בהנעה הזאת, אם מן הקל חלץ מהם (הושע ה' ו'), להוריענו כי השם היה מדבק עמם והם בו דבוק מופלג, כמו שצונו ולדבקה בו (דברים י"א כ"ב), והנה ית' התנועע ונעתק מהם, וכן גם תנין חלצו שד (איכה ד' ג'), כי אע"פ שקשה עליו ההנאה הזאת הנה המבע יכריחהו, ובת עמי לאכזר, ואם מן הנפעל צדיק מצרה נחלץ (משלי י"א ח'), כי השם ית' ינתקו ויעתיקו מן הצרה ואם הוא דבוק בה דבוק מופלג, זה יותר נמרץ בענין, מאשר יאמר נעתק ונפדה ויציל וכל זולת זה. ואולם מן הדגוש נמצא וחלצו את האבנים (ויקרא י"ד ט') וכבר פרשתי. ואמרו חלצני יי מאדם רע (תלים ק"מ ב') חלצה נפשי (שם ו' ה') יחלצני כי חפץ בי (שם י"ח י"ט) שזה יותר מופלג מאמרו במקומות אחרים הצילני, הצילה נפשי. וכן טעם ואחלצה צוררי ריקם (שם ז' ה') כמו שהפילתי בפרשו במקומו. ואם מן הנוסף תעצמותיך יחלץ (ישעיה נ"ח י"א) כי זה ברכת, הפך ורקב עצמות (משלי י"ד ל') או עצמות דבית (תלים נ"א י') או כן ישבר כל עצמותי (ישעיה ל"ח י"ג).

זה כי העצמות כשהם נרקבות ומדוכאות ונשברות אינם רבוקות בפרקים בדרך הטבע עד שיהיה האדם מניע אותם על פרקים וחליותיהם, אבל הם מוטלות שמוחות שלא ינעו, כעצמות היבשות מן המתים, ולכן נאמר על הפך זה, כי בומן הישועה והשביע בצחצחות נפשך ועצמתך יחליץ, (ישעיה נ"ח י"א) כי הוא היה סבה פועלת ופניע להיות גופך ואברך בכלל ובפרט על השלמות הטבע, ולכן אומר אני כי מה שאמרו ר"ל העובר לפני התיבה ב"וט של ר"ה אומר והחליצנו י"י אלהינו (עירבון ל"ט) שאו הוא יום הדין והוא היום שנבקש מאת השם ית' שינתק עוננו וידבק לבנו רבוק מופלג, כענין הסימן שנעשה בשעיר המשתלח, עד שיהיה אמרו והחליצנו כמו אם אמר והחליצנו מן העון והשטן והנחש, כמו שבקש דוד חלציני י"י מאדם רע (תלים ק"מ ב") עד שיקיים בנו למען יחלצון ידידיך (שם ס"ו ז') וצדיק מצרה נחלץ (משלי י"א ח') זה מכמה צדדים, וכן נאמר מדי שבת בשבתו בתפלה נחמנו¹. והנה ידוע כי שם הדברים הדבוקים הם ממאמר המצטרף, ששניהם מצד אחד כמו האברים והשותפים, ואין תימה כלל בעבור אמרו במצותיך, כי אין צירוף ההעתק אל המצות, כי אם היה כן היה אומר מצותיך, והיה הפך האמת, אבל הכונה החליצנו מן העונות ודבקנו במצותיך, וכבר הודענו הפך התנועה:

טלל. מין סכך ואהל, ושם הפעולה נעשה מלול וטלילת, ומזה הענין קראו טל לעב הרק הנעשה באויר שממנו יתהוה הטל, כי אינו רק כיריעה מאהלת מתדמית, מה שאינו כן מה שיהיה עב ומלא עד שירדו הגשמים, ואמרו שראשי נמלא טל (שיה"ש ה" ב") כי טל אורות מליך (ישעיה כ"ו י"ט) יתנו טלם (זכריה ח" י"ב). והפעל הוא יבנו ויטללנו (נחמיה ג' י"ג), ותרגום סוכה מטללתא, בצל קורתי. (בראשית י"ט ג') בטלל שירוחי:

אות הי'וד. יאב. מין תאוה ותאבה. הפעל קל כי למצותיך יאבתי (תלים קי"ט קל"א) כמו תאבתי:

יאל. מין רצון וחפץ לבר ואין בו רק זה הענין הפשוט: אמר המהבר. ראה איך נעלם הסכנון בדברים הקלים מן המפרשים לתעלם מהם דרכי ההגיון, זה, כי זה החכם הקסחי עשה תחלה מין אחד מענין הרצון והחפץ, כאמרו הואיל משה באר את התורה (דברים א" ה') כי הואיל הלך אחר צו (הושע ה" י"א), ולו הואלנו ונשב (הושע ו' ז') הואיל נא ולן (שופטים י"ט ו') הואיל וקח כברים (מ"ב ה" כ"ג) ויואל

¹ ברכה דף ס"ה.

ללכת (ש"א י"ז ל"ט) ויואל משה (שמות ב" כ"א). ואחר אמר ויואל שאל את העם (ש"א י"ד כ"ד) פרשו השביעים, ויהיה יאל ואלה כענין אחר, וחלילת, אבל הכל ממעם רצון חפץ, אם שיהיה יוצא כלומר הניע את העם לרצון זה, או שיהיה בדרך, והיה נכון אמרו את בהסכמת העברי כמו אם אמר עם, ואיך שיהיה, הוא המעם וירצה שאל את העם לאמר ארור האיש וגו', כי זה היה הסכמה רצונית ובחירית מכלם עמו כראוי, א"כ אין ויואל מענין אחר, אבל היה רצון שאל לומר ארור וגו', כענין הרצון שלנו לומר החרם הנהוג בינינו. אח"כ אמר [הקמחי] וענין אחר, אשר נואלנו ואשר חטאנו (במדבר י"ב י"א) נואלו שרי צוען (ישעיה י"ט י"ג), אבל באמת גם זה מענין רצון חפץ, וזה כי ידוע שכל ספרי הנביאים והחכמים מלאים מזה שיוכיחנו מהמשך אחר הרצון והחפץ לעשות דבר כלל, כי זה סכלות נמורה ופועל נפש המתאווה, רק ללכת אחר ההגון והראוי לעשות, עד שגם נהנו לומר בסתם כי המשך אחר הרצון הוא רע אלא א"כ יצורף לו עצה ובחירה מן החכמים כמו ושומע לעצה חכם (משלי י"ב ט"ו) שא"עפ שנאמר בסתם המעם עצת חכמים לא עצת נערים וסכלים, כמו שהאריך בזה אריסטו בספר המדות, לכן אמר זה לגאי נואלו שרי צוען כלומר התפעלו מרצונם, כי רצונם גבר עליהם, כאמרנו תמיד גברה התאווה והחשק לגאי, כמו שביאר זה אריסטו בסוף מאמר הראשון מהמדות, וע"ד חסד ביאר זה באמרו אשר חטאנו, אחר אשר נואלנו, וכ"ז מבואר לכלנו טף ונשים כי כן דברנו תמיד, אבל רצון המפרשים להניח ענינים רבים ימה אותם מני דרך הישר, עם העלם מהם המלאכה המישרת, חבור זה והקש ע"ז:

יום. גם זה רב שתופו, אבל ענינו הכולל זמן, ואין צורך להאריך כי מדי עברי בפרושי ספרי הקדש אפרש איש על מקומו, רק שאומר פה, שלפי דעתי מה שאמר אשר מצא את הימים במדבר (בראשית ל"ז כ"ד) הוא משרש זה, ונקראו הפרדים כן, כי הם מאריכים ימים מאד:

כי. אין בכל העברי מקום שיהיה טעמו אע"פ, כמו שחשבו ההופכים הלשון בחפצם והם הופכים ללעגה משפט, אבל הוא, אם המשך דברים לבד, ואם בנתינת טעם מה מכמה מינים, אם לנתינת סיבה אשר ידוע מיני הסבות ומיני מיניהם אצל הבקאים בעברי ובהגיון, ומה שהוא להמשך הדברים ולקשרם בלבד, כאמרו כי תוליד בנים וגו' (דברים ר" כ"ה) כי יקום בקרבך נביא (שם י"ג ב") שאלו הם התחלת דבור והמשכתו,

כלומר כי יהיה כך וכך, תעשה כך וכך, ובספר המשפטים¹ לאין מספר מן ב' או וכל, ורבים שאין ענינם כי אם כמו אשר, כמו ובמה יודע אפוא כי מצאתי וגו' (שמות ל"ג מ"ז) כלומר שמצאתי, וראה כי עמד הגוי הזה (שם), וכן כמעט אשר, כאמרו ל"י אלהינו הרחמים והסליחות כי חטאנו לו² (דניאל ט"ט) כלומר אשר או כאשר, וכן וסלחת לעוני כי רב הוא (תלים כ"ה י"א) שרב הוא, וכן כי עם קשה עורף הוא (שמות ט"ט מ"ט) וכן כי רכב ברזל לו כי חזק הוא (יהושע י"ז י"ח) פ' שרב, שחזק.

וגם נהגו לומר בן בחתימת ספור ארוך כשירצו לומר כללו של דבר בקצור, כאמרו אחר כל השירה כי בא סוס פרעה וגו' (שמות ט"ו י"ט), כי המן בן המדתא (אסתר ט"ו כ"ד) כי מרדכי היהודי (שם י" ג'), ואם לנתינת טעם מה, פן יחמיאו אותך לי כי תעבר וגו' (שמות כ"ג ל"ג) כלומר הטעם בזאת השמירה שאמרת לי שיהם יחמיאו אותך לי. הכף זבח וצלמנע עתה בידך כי ניתן וגו' (שופטים ה' ו') כלומר אלו היה בן ראוי ליתן לצבאך לחם, וכן כי עצר עצר י"י (בראשית כ" י"ח) שזה נתינת טעם למה שקדם וירפא אלהים (פסוק י"ז) לפי שכבר היה שם חול, והפליג בזה לפי שהיה נכון לומר וירפא ואם לא היה שם חול, והער כי אני י"י רפאך (שמות ט"ו כ"ו)³. ואם לנתינת סבה כאחת ממיני הסבות אשר מכלל מיניהם הוא כי יש בעצם ויש במקרה ויש בכונה ראשונה, ויש בכונה שנית, כאמרו לא אעלה בקרבך כי עם קשה עורף אתה (שם ל"ג ג'). וראה בספור אחר כתוב מלת כי למינים רבים, וזה שכתוב הבה נא אבוא אליך כי לא ידע וגו' (בראשית ל"ח ט"ז). וזה כי אמרו הטעם כי שכלתו היא, כמו וידע אונן כי לא לו יהיה הזרע (שם ל"ח ט"ט). ואמרו כי לא ידע הוא נתינת סבה בעצם ובכונה ראשונה למה שכתוב הבה נא אבוא אליך כמו אמרו כי ראתה כי גדל שלה וגו', ד"ל מאמרו כי גדל מעמו שגדל, ואמרו כי ראתה נתינת טעם בעצם ובכונה ראשונה למה שכתב בתחלה ותסר בגדי אלמנותה.

ואמנם אמרו ויחשבה לזונה וגו' הוא נתינת טעם וסבה, אבל במקרה ובכונה שנית, כמו ויואל ללכת כי לא נסה (ש"א י"ז ל"ט) וכל אלו החלוקות דקות. ואני אפרש כל אחת במקומה, ואמנם נעלם המכונן מן המפרשים להעלם מהם מלאכת ההגיון שהוא מצרף ובור לזהב, ולא זה בלבד אבל גם פרוש זאת המלה נמו עוד, כי כתב הקמחי שמלת כי הזנה לפעמים

¹ ר"ל בסדר ואלה המשפטים.

² ר"ל כי מרדכי ב.

³ II, 193, עין משנה כח.

תבא עם ה"א חתימה, הכי אחי אתה (בראשית כ"ט ט"ו) ופעמים לאמתת הדבר הכי קרא שמו יעקב (שם כ"ז ל"ו) מן השלשה הכי נכבד (ש"ב כ"ג י"ט), ואין במ כי אם לחימה או לשאלה כאמרם תמיד הלא, והנמשך לזה חסין מן ה"א השאלה וה"א התמה, ובפרושי לספרי הקודש ימצא איש איש על מקומו:

כוף. מין כפיפה כמו שנבאר בשרש כפף וכפה. ומזה שמו שם לסלעים הכפופים ואמרו ובכפים עלו (ירמיה ר" כ"ט) חרי עפר וכפים (איוב ל" ו'):

לאך. ענין זה בעצמות מין מעשה ופעולה. השם מן המקרה הזה הוא מלאכה. והוא שם משותף כמ"ש המורה במלותיו להנין. ומצאנו והמלאכה היתה דים (שמות ל"ו ז') לרגל המלאכה אשר לפני (בראשית ל"ג י"ד) וכל המלאכה נמבזה ונמס (ש"א ט"ו ט') וירא שלמה את הנער כי עושה מלאכה הוא (מ"א י"א כ"ח). ועל דרך הרמיון על הש"ית מכל מלאכתו אשר עשה (בראשית ב" ב'). כי מלאכה היא לאדני יהיה צבאות (ירמיה נ" כ"ח), ובסמוך במלאכת רעהו (שמות כ"ב ז') עושה מלאכת י"י רמיה (ירמיה ט"ח י") וכן והלויים במלאכת (דבה"ב י"ג י"). והקבוצ מלאכות, ובסמוך בנע האלף כל מלאכות התבנית (דבה"א כ"ח י"ט) לספר כל מלאכותיך (תלים ע"ג כ"ח) ובחסרון האלף למלכת שמים (ירמיה ז' יח). ומ"א על דרך הרמיון בהש"ית במלאכות י"י (חגי א" י"ג). השם הנגזר מזה השם שזכרנו שהוא דמיון ראשון, ומלאך בא אל איוב (איוב א" י"ד), וישלח יעקב מלאכים (בראשית ח' ד') ועם כנוי קול מלאכה (נחום ב' י"ד) כלומר מלאך שלך. ועל השם ית' הרבה והנה מלאכי אלהים (בראשית כ"ח י"ב). ובכלל כי אין הברל בין אמרנו מלאך שהוא תואר, ובין אמרנו עושה מלאכת שזכרנו כמו שאין הברל בזה או בהנין בכל הדומה לזה כאשר בארנו בפרקים ר"ל כי על תאר כמו יושב תולך כותב עושה ישיבה הליכה וכן הכל, וג"כ כמו שאמר אבונצר כי אין הברל בין אמרנו לבן עד"מ ובין אמרנו בעל לובן, וכן אין הברל בין אמרנו מעשה ובין אמרנו בעל מעשה, ובעבור זה אמרנו בפרקים כי האוזן והעין אינם נגזרים מן און עין, כי לא נוכל לומר במ שענינם עושה און עושה עין, אבל נאמר עושה איוון עושה עיון, ושם התבאר בארוכה, ולכן אחר שיש הברל בין מעשה לפעולה ובין מלאכה, ואם הם נרדפים כפי דיוק אבוחמר, הנה אין הברל בין אמרנו מלאך שהוא תואר, ובין אמרנו עושה מלאכה על ירבעם (מ"א י"א כ"ח) שהיה עושה מלאכת שלמה, כמעט עשי

מלאכה במים רבים (תלים ק"ז כ"ג), או שנאמר על נבוכדנצר ששלחו השם לחשחית את מואב, וכתיב אחר עושה מלאכת יי רמיה (ירמיה מ"ח י') כמו שפרש אחריו וארור מונע תרבו מדם, וכתוב כן בבניא ויאמר חני מלאך יי במלאכות יי, (חגי א' י"ג) ומה צורך עוד לבאור, וכלל הדבר כי אחר שיש לנו ההקדמה הנכבדת דברה תורה כלשון בני אדם (ברכות ל"א), הנה כל הענינים שהם מתיחסים לבן אדם, הם מיוחדים לו ית' בכל ספרי הקדש, וכן אמר ארוסמו במה שאחר הטבע, כי כל התארים שתיחס למלך בשר ודם נתחם לו ית', כמו פקידים סגנים שופטים שוטרים ומלאכים טובים וכן רעים, מלאך משחית, מלאך המות וכל חדומה לזה, וזה אם בשכלים הנפרדים, אם בגשמים השמימיים אם בבני אדם טובים ורעים והכל יקרא מלאך. ולעז מלאכה או"ברה¹ ולעז מלאך אובריי² וכן נאמר מלאכי ביי"ד היחס, ואולי לזה נקרא הנביא הידוע מלאכי. וינהנו בספרי החכמות לומר מלאכותי ביחס הפועל, ר"ל הכלי שנעשה במלאכה, והוא הדין שנכון לאמרו ביחס הפועל, אם כן אין לעז מלאך משאגיי³ כמו שליח—כבוד הרב במקומו מונח⁴—ואע"פ שכל מלאך הוא שליח וכל שליח הוא מלאך, כמו המדבר והצוחק, הנה אין עצמות שם האחד כשם האחר, וכן—כבוד המורה מונח—אין עצמות שם אלהים שופט או מנהיג, וכבר הארכנו בזה בפרקים:

לבב. מונח למין דקיות ודקיות. וכבר קדם לנו בפרקים כי כל הלשון, או רובו שהוא ככלו נאמר על המציאות החומרית הנופית, ועל המציאות הצורית הנפשית, כי אף העצם יותר אמתי לצורה מן החומר, וכן נאמר בכאן מין דקות ודקיות לנפש וללב, ר"ל לציור ולמחשבה וכן הפכו ר"ל עובי ונסות כמו שקדם לנו בשרש בוב, כאמרו ואיש נבוב ילבב (איוב י"א י"ב). ולכן אומר בכאן כי השם לרבר מצד היות המקרה הזה גובר בו, אמרו גם לי לבב כמזכר (שם י"ב ג') כל לבבות דורש יי (דבה"א כ"ח ט'), וזה, כי זה האבר אם מצד שהוא יותר דק משאר אברי האדם בראוי לו, ואם מצד שהוא שרש כלל נפש האדם עם כל כחותיה ובפרט לחיוני לפי דעת רבים, ראוי היה שהניחו לו שם מצד דקית ודקיות, ואמרו בשלמות לבב ולבבות, מאמרו מתפפות על לבבהן (נחום ב' ח') ובחסרון הכפל ועם דגוש, כדרך בעלי הכפל, מה אמלה לבתך (יחזקאל ט"ז ל'), והקבוץ ולישרים בלבותם (תלים קכ"ה ד'), ובחסרון יותר, לב חכם לימינו (קהלת י' ב') בלב ולב ידברו (תלים י"ב ג') הפך

¹ Oeuvre.² Ouvrier.³ Messenger.⁴ מו"נ ח"ב ס"ו.

ולעדר בלא לב ולב (רב"היא י"ב ל"ד) ובמקומו פרשתיו, ואין הברל בין שנקח הלב או הרוח שבחוכו וכו', כי כן סנהג העברי וההניו, ובעבור שהחלק התוכי מן הדבר, הוא היותר דק מרקיב כענין הלב באדם, וכן לב האילן והפרי, הפך הקליפה שהיא עבה וגסה בערך לאשר בתוכו, ובכלל מפורסם כי כל עוד שיתקרב גוף הצמח או כל גשם אל תוכו הוא יותר דק ורקיב, וכל מה שיתקרב אל חוצונו הוא יותר עב וגס, הנה לכן ראוי לומר בלב האלה (ש"ב י"ח י"ד) לב השמים (דברים ד' י"א), בלבת אש (שמות ג' ב'). והכל מין אחד עם אמרנו לב האדם, ולא זה בלבד אבל גם על ריקי הבצק כאמרו וריקי מצות (ויקרא א' י"ב) שהיה דרכם לעשות מצות דקות וריקיות מאד במיני מאכלם שונים, אבל מן הפעלים נמצא מן הנפעל ואיש נבוב ילכב (איוב י"א י"ב) כי כל אדם נולד עב וגס בכמה צדין ואחר זה ידוקדק ענינו בכמה צדדים, כמו שיפרש בסימו ועיר פרא אדם ילד, ובמקומו פרשתיו, ומן הרגוש שענינו כמ"ש בפרקים לחזק התאר בענין יתר כאמרנו פחות ויתר, באמרו ותלכב לעיני שתי לבבות (ש"ב י"ג ו') כלומר תדקק ותדקק שתי ריקיות מצות או בצק כי לזאת התחבולה הביאה אל ביתו, מפני שהיתה נאה במעשיה לעשות זה בתכלית חזק הדקות והדקדוק, וכן לבבתי אחתי כלה לבבתי וג' (שיר ד' ט') הטעם דקות ורקקת אותי עד ששבתי דק מאד, כמו שנאמר באמנון על תמר אחותו, וראה מה בין ענינו, וענין החכם אבן קמחי ואבן גנאת, ואם באמת אין ראוי לחמוס הקדמתם כמו שכתבתי בפרקים:

לחם. ראה הפלטה איך המפרשים טובבים סביב לנקודת האמת להניח בכל שרש ענין אחד כולל וסוגי, ולא ימצאו רק ביחידים מעטים, ואם ימצאו לא ימצאו רק בדברים קלים, כמ"ש הקמחי בזה, כי לחם ומלחמה הם תחת סוג אחד, וזה כי המלחמה הוא מאכל חרב זה לזה, ובאמת הוא זה, אבל ראה כי עם היות הדמיון ביניהם, הנה מצורף לזה יש דמיון אחר יותר דק והוא ענין פילוסופי, ולא שת לבו החכם הזה לזה, ואם היה חכם בפילוסופיא, וענין זה ביותר קצר שאוכל לפרשו. כי בספר הנפש במאמר כח הזן אמר ארוסמו כי הקדמונים אמרו, כי המזון זן מפני שהוא הפך, ואמרו קצתם מפני שהוא דומה, וארוסמו פסק הלכה כי לכל אחד טעם מצד וצדק מצד, וזה כי הכל אמת אבל מצדדים מתחלפים, וזה כי המזון בהיותו מזון בכח כמו שנאמר עד"מ בהיות ככר הלחם על השלחן הנה אז יאמר עליו שהוא מזון והוא זן מצד מה שהוא הפך, וכי

"וכן מזה הענין מלחמה לפי שיש במלחמה מאכל החרב מזה ומזה" לשון הר"ק בשרש לחם ¹

אכלנוהו שיהיה אז מזון בפעל ושב בנופנו כילוס (?) וכימוס¹ ואחר דם, ועד שיכלה הענין נאמר עליו שהוא מזון חן מצד שהוא דומה, וכי ראו וידעו זה מיסדי הלשון שהיו חכמים בחכמות האמתיות והוא חכמת הטבע והאלהות, ורצו להתעילנו בשוידענו לנו טבע כל דבר, ודבר בקראם שמות לדברים כמו שהארכנו בפרקים, הסכימו שוידענו לנו טבע המזון ומה ענינו ולמה נקרא מזון, ולא רצו להניחו לו שום צד מה שהוא דומה, כי זה דבר נעלם מן ההמון ואף מיחידים חכמים, אלא א"ב עמדו על ספר הנפש לארוסמו או הנעשה במדוה, כי זה איננו דבר מוחש, ר"ל פועל המזון בנוף האדם, ולכן הניחו לו שם מצד מה שהוא הפך, כי זה מוחש וידוע לכל מן נשים שרואים הלחם על השלחן וידוע שהוא מזון לחם בכת, כי מהרה יאכלו ויחיו בו ואז הוא הפך ומתחלף לניזון, כי אינו בשר ושומן ושאר, והוא אמרם ז"ל אימתי קרוי לחם עד שלא נאכל, (ברכות מ"ח:): ולכן הסכימו כי חבור הלמ"ד והח"ית וה"מס, ר"ל שרש לחם יהיה שם משותף כולל על ענין הפוכות והתנגדות, עם היות זה חסוג נחלק תחלה לשני מינים כוללים עליונים, והניחו שם לכל מין מאלו בפלס מיוחד להבדיל ביניהם האחד לחם והאחר מלחמה, ואולם מה שנמצא בירדנו מן הראשון היא נאמר בכלל ר"ל על כל מזון אם שיהיה פת או בשר, או פירות, וזה באמרו על ענינים רבים שהם מזון, אם על הפת מבואר באמרו לא על הלחם לבדו ונ' (דברים ח" ג') ואם, על הבשר מלחם אביה תאכל (ויקרא כ"ב י"ג) את לחם אלהיך (שם כ"א ח'), ועל הפירות, נשחיתה עץ בלחמו (ירמיה י"א י"ט), ועל הבשר והפת יחד, באמרו לחם אלהיו ונ' (ויקרא כ"א כ"ב) שזה כולל הבשר והתרומות² ועל כלל כל מזון. המה כדרי לחמי (איוב ו' ז'), כי לפני לחמי (שם ז' כ"ד) מאשר שמנה לחמו (בראשית מ"ט כ') ולחוסם כנללים (צפניה א' יז'). ופעל מזה המין אם מן הקל ועל כלל המזון והמאכל כי לחמו לחם רשע (משלי ד' יז'), וכל אלהם במנעמיהם (תלים קמ"א ד'), אל תלחם את לחם רע עין (משלי כ"ג ו'), לבו לחמו בלחמי (שם מ"ה), וע"ד שתוף מאכל ושרש אכל, ולחמי רשף (דברים ל"ב כ"ד).³ ואולם מן המין השני אם מן הקל לחם את לחמי (תלים ל"ה א'), לחם יחלצני (שם נ"ו ב') כי רבים לחמים לי מרום (שם). התאר אז לחם שערים (שופטים ה" ח') כמו לחמים כי הוא שם כלל. הנפעל אם נלחם נלחם במ (שם י"א כ"ה) י"י ילחם לכם (שמות י"ד י"ד) כלומר בעבורכם, וילחמוני חנם (תלים ק"ט) וילחמו בי:

ק. ככ', ונראה שצ"ל בלס villis דבר נמאס, ועיין שרד השלם¹

עיין משנה כף II, 305 וכן ודא"ב דר"ק² לשון דר"ק בשרשי.

לעז. זהו שם לכל לשון זולת לשון הקדש¹ ופעמים ללשון רומי בלבד, זהו אם בכלל, כמ"ש על מצרים מעם לעז (תלים ק"ד א'), ואם ללשון רומי לבד כמו ששמשו רז"ל ואמרו ללעזות בלעז (מגילה ט"ז):

אות המ"ם. מאד. ענינו רבוי הדבר והפלטתו והנה מוב מאד (בראשית א' ל"א), הכפל לחזק, אל תקצף י"י עד מאד (ישעיה ס"ד ח') אל תעזיבי עד מאד (שם קי"ג ח') דבר אמת עד מאד (שם קי"ט ט"ט), וכל זה כי בלא כלום אי אפשר, ועם כנוי בכל מאדך (דברים ו' ה') כלומר בכל צד הפלגה שתוכל:

מהר. מהירת תנועה אי זה תנועה שתהיה אם חצונית או פנימיות כי הכל פעולה ומעשה, והכל תחת סוג האיכות וזה מין שתוף שנאמר בכלל ויחוד, וזה כי לפעמים ייחדוהו על מהירות החתן לתת דבר ידוע לאריסתו כי חפץ בה מאד, אבל שנוי משקל יש ביניהם כי השם על הכל, לא תוכל כלותם מהר (דברים ז' כ"ב), ומשקל אחר והולך מהרה (במדבר י"ז י"א) מהרה חושה (ש"א כ' ל"ח), והנה מהרה קל יבא (ישעיה ה' כ"ו) מהרה רדה (מ"ב א' ו"א) והשם מן המיוחד מהר ומתן (בראשית ל"ד י"ב) כמהר הבתילות (שמות כ"ב ט"ז), הפעלים אם מן המין הראשון, אם מן הקל אחר מהרו (תלים ט"ז ד') ושם פרשתי בענין יקר, ואם מבנין הדגוש מהר צעה להפתח (ישעיה נ"א י"ד) ומהרתם והורדתם (בראשית ט"ה י"ג) מהרה ולבה (ש"א כ"ג כ"ז) מהרו שלש סאים (בראשית י"ח ו') המעם מהר לקחת שלש סאים. מהרו את המן (אסתר ה' ה') מהרה מיכיו בן ימלה (מ"א כ"ב ט') והתאר קרוב ומהר מאד (צפניה א' י"ד) בפלס ושבב אני (קהלת ר' ב'):

ומ"א סופר מהיר (תלים ט"ה כ'), איש מהיר במלאכתו (משלי כ"ב כ"ט), ובסמך ומהר צדק (ישעיה ט"ז ה'). ואם מן הנפעל הגוי המר והנמהר (חבקוק א' ו'), ולבב נמהרים (ישעיה ל"ב ד') אמרו לנמהרי לב (שם ל"ה). וראה הפלגה כי זה בלו רע, ומהיר שהוא מן הקל הוא טוב, וזה ראוי מצד שהנפעל יורה שהנושא קבל הפעולות ושנוי מן המקרה הזה, וכל הפעולות רע במקרה הנפש, וכבר בארנו זה הכלל בפרקים, ואם מן המין השני נמצא מן הקל מהר ימהרנה לו לאשה (שמות כ"ב ט"ז):

בוש. מין תנועה במקום. הפעל קל לא משו (במדבר י"ד ט"ה). כי ההגרים ימושו (ישעיה נ"ד י') ומשתי את עון הארץ (זכריה ג' ט') הנוסף לא ימיש עמוד הענן (שמות י"ג כ"ב) ואיך שיפורש הוא יוצא² לא

¹ וכן רש"י ור"ק.

² עין רד"ק בשרשיו.

תמישו משם צוארתיכם (מיכה ב" ג') לא ימש מתוך האהל (שמות ל"ג י"א), כלומר לא ימש עצמו מתוך האהל, וכן לא ימש מעשות פרי (ירמיה י"ז ח'), אבל ראה בבאן כמו שאמרנו בשאר האותיות כי שרש מוש ומשש ומשה הם מסוג אחד ומבואר כי המשוש הוא בהנעת האדם את ידיו ויגע ברבר, ולכן נכון אמרו בזה השרש והמששי (שופטים ט"ז כ"ו) וימש חשך (שמות י" כ"א), ידיהם ולא ימישון (תלים קט"ז ז'): **מִרְקָן**. מין קישוט ובלבד להעביר החלודה והזהומא מעל שטח הגוף, השם תמרוק ברע (משלי כ" ל"ה) ונתן תמרוקיהן (אסתר ב" ג') ובתמרוקי הנשים (שם), וקראו למים שנתבשל בהם הבשר מזה, ואמרו ואת המרק שפוך (שופטים ו' כ') ומרק פגלים כליהם (ישעיה ס"ה ד') לפי שדרך בני אדם להעביר הקצף והזהומא מעליו, הפעל קל, מרקו הרמחים (ירמיה ט"ז ד'), ואם הוא צווי, ושלא נזכר פועלו מהדגוש, ומורק שטף במים (ויקרא ו' כ"א):

נגד. עצמות ענינו נכה ונכחות, השם אך נגד י"י משיחו (ש"א י"ו ו'), כאן נגדו (ישעיה ט" י"ז), עזר כנגדו (בראשית ב' י"ח), ובה"א הנקבה נגדה נא לכל עמו (תהלים קט"ז י"ח), וזה יאמר על מקום קרוב או רחוק, וברוב יצרפו לו המ"ם כשהוא מרחוק, כאמרו ותשב מנגד (בראשית כ"א ט"ז), מנגד ננעו יעמרו (תהלים ל"ח י"ב) כלומר רחוק כי לא יקרבו אלי לעזרני, ואתה תעמוד¹ מנגד (ש"ב י"ח י"ג), ופעמים יוסיפו ביאור דרך חבור, כאמרו ויעמדו מנגד מרחוק (מ"ב ב' ז'). ומן התאר הזה תארו המושל נגיד, כי ראוי שיעמד נכה פני העם לעזרם, והעם נגד פניו לשרתו², וכן ראוי להם שיהיו עומדים מרחוק מן העם ולא יתחברו עמם, כי אם לעתים רחוקות, כאמרו ואתה תעמוד מנגד (ש"ב י"ח י"ג), וכבר אמרנו כזה בשם אצילים, ונמצא מזה כאמרו ואתה תהיה לנגיד (ש"ב ה' ב') וכן רבים. וכן נגיד חסר תבונות (משלי כ"ח י"ז), כמ"ש במקומו, בלי חסרון כלל³, ואם נבחנו בו אלופי המפרשים, כי נעלמה מהם הלכה בהניין, וכן נקראים המאמרים המשובחים ובעליהם נגידים, כמו שנקרא מושלים וגם במאמרים שבו הדינין⁴ (שם) שאמרנו בשם נגידים, כי ראוי שיהיו אלה תמיד נכה פני המבינים ושהיו מרוחקין מן ההמון. ומן הענין הזה בשרש זה ר"ל נכה ונכחות, שמשו לתאר בו פעולות האנשים מספרי ספור, לפי שראוי לספר שיעמוד נכה פני האנשים אשר הוא מספר ומדבר להם,

¹ ז' תתיצב.

² וכען זה הר"ק.

³ ויאמר הר"ק כי חסר "ימה" ע"ש, עשה כלי כסף, I 122.

וכן הם לו, וכמו שנקרא זה מספר מצד ענין ספור ומספר שנבאר במקומו, כן נקרא מניד מצד ענין שרש זה, ונחנו לומר הגדה וספור דרך שמות נרדפים, אבל מבואר בזה דיוק אבוחמד כמ"ש בפרקים, הנוסף מי הגיד לך (בראשית ג' י"א), את מי הגדת מלין (איוב כ"ו ד') ונכון כמו שהיה נכון אם אמר אלי ובעל כנפים יגיד דבר (קהלת י" כ') בצרי, ואם הוא כתוב ביו"ד, וכן ותמיד לבני ישראל (שמות י"ט ג') הגד נגיד למלך (ירמיה ל"ו ט"ז), מגדת מזלדתה (אסתר ב' כ') ושלא נזכר פועלו ממנו והגידו לך (דברים י"ז ט') הגד הגד לנו (יהושע ט' כ"ד):

נגר. מין החכמה ומשכנות דבר לח אם מים אם יין אם דם אם דמעות, או זולת זה, הנפעל עיני נגרה (איכה ג' מ"ט), וזה מבואר ואמר ג"כ ידי לילה נגרה (תהלים ע"ז ג') מצד הזיעה שיקרה לידי אדם כשהם רפות מפחד וגם לכלל גופו, כמעט כל ידים תרפינה, וכל ברכים תלכנה מים (יחזקאל ז' י"ז), וחלילה שיהיה ידי תמורת עיני, כמו שאמרו ההופכים ללענה משפט, נגרות ביום אפו (איוב כ' כ"ח) כמו נגרות ואין צריך לזכור צרות ורעות שזה תאר להם, כמעט ימטר על רשעים פחים (תהלים י"א ו'), כ"ש ששם שפיכות דם, ויותר מבואר כמים הנגרים ארצה (ש"ב י"ד י"ד), הנוסף והנרתי לגיא אבניה (מיכה א' ו') כי בבנין יש בקירות לחות מה, ונכון גם זה לאבנים על צד התפלגה כמו שזכרנו, ויגר מזה (תהלים ע"ח ט') על היין, ותגר את בני ישראל (יחזקאל ל"ה ה') יגירוהו על ידי חרב (תהלים ס"ג י"א), כי שם שפיכת דם, ויותר מבואר כמים סגרים במורד (מיכה א' ד'):

נקב. גם זה ענין אחד עם יקב, מונח על ענין הכנס בתוכו דבר, השם המונח לכלי שבו נוקבין, מקבת, מאמרו ואת המקבת בידה (שופטים ד' כ"א) ובמקבות יצרהו (ישעיה מ"ד י"ב) במסמרות ובמקבות יחזקום (ירמיה י"ד) ואל מקבת בור נקרתם (ישעיה נ"א א'), המעם שבם ניקרתם, ואולם ר"ל נהנו לומר שם המקרה מזה נקב נקבים, ואולם הניחו מזה שם או תאר לאשה, מצד שזה תאר ומקרה נזכר בה, ואמרו זכר ונקבה ברא אתם (בראשית א' כ"ז) וכבר קדם לנו מעם בשם זכר. הפעל קל מזה, ובא בכפו ונקבה (מ"ב י"ח כ"א) נקבת במטיו (חבקוק ג' י"ד) במקשים ינקב אף (איוב ט' כ"ד), אל צדור נקוב (חגי א' ו') ויקוב חר בדלתו (מ"ב י"ב י'), וכי ראו שהמפרש והמבאר הדבר דומה שהוא נוקם הדבר ורואה ומראה מה שבתוכו ופנימו, אמרו מענין זה מן הקל נקבה שכרך (בראשית ל' כ"ח) אשר פי י"י יקבעו (ישעיה ס"ב ב') נקובי ראשית

הגנים (עמוס ו' א'), בלומר שהם נקראים ומבוארים בשם ראשית גנים, ואח"כ שהמקלל סדרו שהוא נוקבו ודוקרו במדקרות חרב, אמרו כענין זה יקבוהו אודרי יום (איוב ג' ח') יקבוהו לאום (משלי י"א כ"ו) ואקוב נהו פתאם (איוב ה' ג'), וע"ד הדמיון לשם האל, לא לו ית', נוקב שם י"י (ויקרא כ"ד ט"ז) ואמרו ויקב בן האשה ונ' (שם שם י"א) נקבצו בו שני הענינים ר"ל הפירוש וענין הקללת, ואין קושיא מאמרו ויקלל, כי הם לשונות נרדפים, ר"ל ויקב ויקלל וכן ויעזם ויארר, וכלם נכון לאמת זה אחר זה כי הברל יש ביניהם:

סגל. מבואר בהנין מה היא הסגולה ויעוין שם, השם והיותם לי סגלה (שמות י"ט ה') וסגלת מלכים (קהלת ב' ח') ונעשה כל הבנינים וכן נהוג בערבי ונהג המעתיקים:

סג'. הפך הפתוח וההתר כאמרו השער הזה סגור יהיה לא יפתח (יחזקאל ט"ד ב') וכמו שהפתיחה וההתרה שמות משותפים, כן היא הסגירה והכל ענין אחד, והשם מזה נאמר סגירה והסגר והסגרה ואם לא נמצא, אבל נמצא ואקרע סגור לבם (הושע י"ג ח') כמעט סגירת לבי, כי אין הברל בין אמרנו זה ובין אמרנו ואקרע לבי הסגור, וידוע צורת הלב, זה הענין בארנו בפרקים, מצד מה שנברא כי יאמר על השטח שהוא בשיעור רק מצד הכמה והגשם שהוא עליו, ולכן עד"מ נכון לומר לארוכות שטח העץ או קומתו. ואולם שמו מזה שם לבית הסתר שהיא עומד סגור תמיד ואמרו להוציא ממסגר אסיר (ישעיה ט"ב ז'), והקבון בלשון נקבות ויחגרו ממסגרותיהם (תהלים י"ח ט"ה), וכן שמו שם מזה לכלי כבל שהוא נתון על האסור ואמרו ויתנהו בסוגר (יחזקאל י"ט ט') ותרנם יונתן בקולרין, וכן בלשון ר"ל הוצא בקולר (גיטין ה' ז'), וכן שמו מזה שם לזהב הנקי והטוב בתכלית, שדרך בני אדם לסגרו בארגונים מאד או אבן טובה ידועה אצלם, ואמרו לא יתן סגור תחתיה (איוב כ"ח ט"ז), ונכון אצלי מכמה פנים שזה שם לכדולח כמ"ש ענינו, אבל עכ"פ תארו הזהב בשרש זה לסבב שאמרו וזה סגור (מ"א ו' כ'), וכן נקרא אומר המלחמה או ענינים אחרים מזה השרש החרש והמסגר (מ"ב כ"ד ט"ז), וכן מזה השרש שמו שם לכלי זין ידוע אצלם שעומד תמיד סגור בתערה ואמרו הרק חנית וסגור לקראת רדפי (תהלים ל"ח ב'), וכן מזה השרש שמו שם למטר הסחוף הרבה מאד מפני שאז כל אדם עומד סגור בביתו וכל אדם סגור החלונות והארבות¹, ואמרו דלף טורד ביום סגריר (משלי

¹ וכן ה"דק.

כ"ז ט"ו), והכפל באות לחזוק. הפעל קל והדלת סגר אחריו (בראשית י"ט ו') סגר את פרץ עיר דוד (מ"א י"א כ"ז) וי"י סגר רחמה (ש"א א"ה") סגר עליהם המדבר (שמות י"ד נ") ויהי השער לסגור (יהושע ב"ה") וסגור דלתך בערך (ישעיה כ"ו כ') וחסגר הדלת (מ"ב ד"ה"), הנפעל כי נסגר לבוא (ש"א כ"ג ז') תסגר שבעת ימים (במדבר י"ב י"ד) הרגוש ויריחו סגרת ומסגרת (יהושע ו' א"), ושלא נזכר פועלו ממנו סגר בל בית (ישעיה כ"ד י') וסגרו על מסגר (שם כ"ד כ"ב):

סוף. מין כלוי ותכלית כמו שקדם לנו שרש כלא, ומזה קראו שם לתכלית האחרון מן הדבר והתנועה אפס, ואמרו סוף דבר הכל נשמע (קהלת י"ב י"ג) סוף כל האדם (שם ז' ב") ומצאתם אתם בסוף הנחל (דחי"ב כ' ט"ז), וכן מזה קראו שם לרוח הרעה המכלה ואמרו וכגלגל לפני סופה (ישעיה י"ו י"ג) כמין נגבתו סופה (איוב כ"א י"ח) בסופה ובשערה דרכו (נחום א" ג') וגלגליו כסופה (ישעיה ה" כ"ח) כסופות בנגב (שם כ"א א"), וכן מזה קראו שם לצמח הדק מפני שהוא קל האבוד והאפיסה¹ ואמרו ותשם בסוף על שפת הואור (שמות א" ג') קנה וסוף קמלו (ישעיה י"ט ו') הוא הנומא. הפעל קל ספו תמו (תהלים ע"ג י"ט) וזכרם לא יסוף (אסתר ט' כ"ח) יחרו יסופו (ישעיה ס"ו י"ז). הנוסף אוסף כל (צפניה א" ב') אסוף אסיפם (ירמיה ח' י"ג) ר"ל אסיפם כי אסוף משרש אסף כמו שקדם לנו:

סות. מין כסוי וחסתר ולא נמצא רק שם וברם ענבים סותה (בראשית ט"ז י"א) שהוא קרוב מענין לבוש, והפליגו כי בעבור הפתוי והסתה נעשה ככסוי ובהסתה גדול דרך ערמה ומרמה, שמשו בזה הפעל הנוסף כי יסיתך אחיך וגו' (דברים י"ג ז') ויסת את דוד (ש"ב כ"ד) אם י"י הסייתך בי (ש"א כ"ו י"ט) ותסיתני בו לבלעו חנם (איוב ב" ג') ותסיתו לשאול מאת אביה (שופטים א" י"ד) אשר הסתה אותו (מ"א כ"א כ"ה) הרגוש לחזוק:

סטה. כמו שמה בש"ן, עשה סמים שנאתי (תהלים ק"א ד'): **עצם.** מין חזק ותוקף וכן, כי כלם נרדפים ואחרים רבים עמם, ואף עמ זו יאמרו זה, כי הברל מה ביניהם כפי דיוק אבוחמר, שם המקרה כחי ועצם ידי (דברים ח' י"ז) זה ימות בעצם תמו (איוב כ"א כ"ג) בשש נקודות, המעם בתוקף שלמותו. ומ"א עז ותעצמות לעם (תהלים ס"ח ל"ז). ומזה שמו שם למחות הדבר הידוע בהגיון מאמר העצם, ובמה שאחר

¹ וכן ה"ק

הטבע ששם התבאר שם העצם, וכי הוא שם מעותק בערבי כי הוא נוח"ר שהוא הברולח והפנינים, ומצד היותו האבן יקרה קראו מזה שם לכל מהות דבר שהיה נשם, כי מהותו יותר חזק ויקר מכל מהות שאר המאמרות, ולכן גם בכלל יקרא בלשוננו אבן כאמרו אבן ישראל (בראשית מ"ט כ"ד), הטעם עצם ישראל, ומזה נהוג בערבי ועברי לומר אבן רשד, אבן סינא אבן קמחי אבן כספי, וגם בסתרי מעשה מרכבה כתוב אבן תרשיש אבן ספיר (יחזקאל א' כ"ו) אל אבן אחת שבעה עינים (זכריה ג' ט') ורבים כן. וכבר קדם לנו בשרש אבן. גם בזה העירונו מצד עצם חזו המכוון באמרו בעצם היום הזה (שמות י"ב י"ז) כמ"ש רז"ל בעצמו של יום (שבת פ"ו), וכעצם השמים למהר (שמות כ"ד ו'), ומזה נאמר מעצמו ובעצמו, כמו שאמרו הלך הוא בעצמו, כל עצמו, ובכלל כי בחכמות יזכרו חמיד עצם ועצמות כמו ענין אחד יחד ע"ד עיון גם, אבל בעיון דק יעשו הבדל ביניהם כ"ש בלשון ערבי, כי על העצם יאמרו נהר כאשר התרנו ועל עצמות יאמרו דיאת, ובמה שאחר הטבע התבאר כל זה יעויין שם. ואולם מענין עצם ועצמות נאמר בעברי מה שזכרנו, וכן לא נבחר עצמו ממך (תהלים קל"ט ט"ו) שזה כולל העצם והעצמות. ואולם מצד היות החלק הנס היבש והעב מן האדם הוא יסוד הנוף ועצמותו וחזקתו קראו לו שם מזה, ואמרו זאת הפעם עצם מעצמי (בראשית ב' כ"ג) ועצם לא תשברו בו (שמות י"ב ט"ו) ותקרבו עצמות עצם אל עצמו (יחזקאל ל"ז ז') ועצמותיהם יגרם (במדבר כ"ד ח') העצמות היבשות (יחזקאל ל"ז י"א) דבקה עצמי לבשרי (איוב ל' י"ז) אספר כל עצמותי (תהלים כ"ב ט"ו) אדמו עצם מפנינים (איכה ד' ו') כי היות זה לבד שם לחלק הנזכר הוא בלשון ערבי, שהיה גם אז לשון קיים, היו קוראים לכלל העצם כמו שקדם לנו נהר, שהוא הפנינים וכן מענין זה החלק המיוחד, אך עצמי ובשרי אתה (בראשית כ"ט י"ד) עצמך ובשרך אנחנו (ש"ב ה' א') כי זה מטעם הוא הוא, וכי לא ידעו המפרשים זה וכן מענין זה השרש ר"ל חזק ותוקף, כי ראו שהענין עיניו והמסתירם מהבים אנה ואנה, אם בכל, אם בקצת, הוא מחזק ראותו וחוש עיניו כידוע, שמשו בו בשרש זה ואמרו בשמות עצמת העינים, התאר לענין החזק בכלל רב תצום (שמות א' ט') ובין עצמים יפריד (משלי י"ח י"ח) ונפל בעצמו חלכאים (תהלים י"ח י') תואר למקשים החזקים, הגישו עצמותיכם (ישעיה מ"א כ"א), תאר למענות שהם חזקות. ואולם הפעלים מענין החזק בכלל תצום (דניאל ח' כ"ד) בי עצמת ממנו מאד (בראשית כ"ו ט"ו) ואויבי חיים עצמו (תהלים ל"ח כ'),

עצמו לי אלמנותיו מחול ימים (ירמיה ט"ו ג'), כי ע"ד ההרחבה יאמרו ג"כ תאר חזק לכמה המתחלק, כמו שנמצא קמן וגדול וכן הפך זה רב ומעט גם לכמה המתרבק. ואולם מענין החלק מיוחד הנקרא עצם אמרו מן הדגש וזה האחרון עצמו (ירמיה נ" י"ז) כאלו אמר עצום ממנו, כי המעם הנעת העצמות ממנו כמו להסיר ממנו, וזה מה שלא הרגישו המפרשים כמ"ש כבר, ואולם מענין עצימת עינים נמצא מן הקל ועוצם עיניו מראות ברע (ישעיה ל"ג ט"ז), הדגש ויעצם את עיניהם (שם כ"ט י') :

עקב. מן ענין סבוב ועקום קן, ואי זה דבר שהיה שם זה המקרה והוא עשה בעקבה (מ"ב י" י"ט), כי כן דרך הערום והרמאי לעשות כמה סבובים ועקומים מצדדים רבים ללכוד ולתפוש הרבר, אי זה דבר שהיה כמ"ש על הערמה והתחבולה לבעבור סבב (ש"ב י"ד כ'), והענין כי ענין זה השרש הוא כן, אמרו בתאר והיה העקב למישור (ישעיה מ"ד), וידוע כי קו ישר וקו עגול ומעוקם הם הפכים, ומזה קראו שם לאבר ידוע בסוף הרגל מאחוריו שתמונתו כיהם עקום וסבוב כדרך שם האדם המצויר יאחז בעקב פח (איוב י"ח ט') ואתה תשופנו עקב (בראשית ג' ט"ו) וידו אחזת בעקב עשו (שם כ"ה כ"ו) הגדיל עלי עקב (תהלים מ" ט"ו) ובלשון רבים צאי לך בעקבי הצאן (שה"ש א" ח') עקבות משיחך (תהלים פ"ט נ"ב) ועקבותיו לא נודעו (שם ע"ז כ') בדגש, וכן הוא יגיד עקב (בראשית מ"ט י"ט), כמעט הנושך עקבי סוס(שם) וכן עון עקבי (תהלים מ"ט ו') כי מהלכיו היו לרעה, והפליג צחות מליצה שאמר עם עקב לשון יסובני, כי גם הכל ממעם סבוב ויהם סבוב, וכן מיהם זה כמ"ש בשרש סבב שאמרנו למעלה סבה וסבות, הנה כן אמרו לזה שם עקב, כי הסבוב נופל על גשם ועל מקרה כשאר השמושים, וזה כאמרו עקב אשר שמע אברהם בקולי (בראשית כ"ב י"ח) וזה סבה פועלת והיה עקב תשמעון (דברים ח' כ') כלומר בסבת אשר תשמעון, על עקב בשתם (תהלים מ" ט"ז), והפליג דוד שאמר ואצרנה עקב (שם ק"ט ל"ג) בשמרם עקב רב (שם י"ט י"ב) כלומר בסבות בכלל הארבעה כמ"ש כי מי שאינו יודע הרבר בכל סבותיו היא ידיעה חסרת, וממה שדקדקנו בכל שמוש עקב יתבאר וידוע הנגלה יותר הנסתר העמוק, כאמרו ואתה תשופנו עקב (בראשית ג' ט"ו), כי נאמר זה בנסתר מצדדים רבים דקים בתכלית, וכי לא שערו זה המפרשים ודאו אמרו בכאן ראש ועקב, לא הרגישו בזה רק שראש הוא התחלה ועקב הוא סוף, והיה שבר עבירות בידם, שהמשיכו כל שמוש שרש זה לענין סוף, וראה איך מצד דיוקנו בשרשים נעמד על סודות אלהיות.

ואולם הפעלים מזה השרש נמצאים בשרש סבב, ונעשה כל הבנינים, רק שזה יותר מיוחד לאשר יהיה הסבוב לרעה, אם מן הקל כי כל אח עקב יעקב (ירמיה ט"ג) ויעקבני זה פעמים (בראשית כ"ז ל"ו), הדגש ולא יעקבם (איוב ל"ז ד') כלומר ולא יסבבם, ובמקומו פרשתי:

ערך. מין סדור דבר ודברים עם היות דבר משותף אם לגשם אם לאיזה מקרה, כמו מחיר ושנוי הסך במסך ומסכר, וגם בהגיון נוכר הענין סדור גזרות שאינם רק דבור, כמו שידוע אמתת שם הקש המערכה. אמנם ממין הנמצא בגשמים מצד עצמם או מקרה נמצא במ השם נמצא נרות המערכה (שמות ל"ט ל"ז) מן המערכה (ש"א ד" ט"ז) מערכות ישראל (ש"א י"ז ח') מערכות פלשתים (שם שם כ"ג), וערך בגדים (שופטים י"ז י') כי כבר קדם לנו עשרת כסף, א"כ וערך בגדים המעם סדור בגדים טובים לך. אמנם ממין המחיר מצאנו מן השמות לא ידע אנש ערכה (איוב כ"ח י"ג) והיה ערכך הזכר (ויקרא כ"ז ג') כערכך הכהן (שם), ואין תימה כלל מן הערכך שהוא בשתי ידיעות, כמו בתוך האהלי (יהושע ז' כ"א), ואם היו במלה אחת ארבע או חמש הודעות אז טוב יותר, ובפרקים זכרנוהו. ומה שנמצא מן הפעלים לפי הענין הראשון, אולם מן הקל וערך עליה העולה (ויקרא א" י"ב) וערך לחם (שופטים י"ז י') ערוך אתו אהרן (ויקרא כ"ד ג') ערוך כאיש מלחמה (ירמיה ו' ג') ובא בשוא וסגול בעבור הסמיכות ערוך מלחמה, ערוכה ושמורה בכל (ש"ב כ"ג ה') אערכה לפניו משפט (איוב כ"ג ד') ומה דמות תערכו לו (ישעיה מ" יח) מי בשחק יערך (תהלים פ"ט ו') בעותי אלהי יערכוני (איוב ו' ד') ויגידה ויערכה לי (ישעיה מ"ד ז') ולא ערך אלי מלים (איוב ל"ב י"ד) בקר אערך לך (תהלים ח" ד'), ומה שנמצא מן הפעלים לפי הענין השני מן הקל לא יערכנה זהב וזכוכית (איוב כ"ח י"ז) ואם מן הנוסף והעריך הכהן (ויקרא כ"ז ח') יעריכנו הכהן (שם):

עשר. גם זה ידוע ענינו לכלנו שבח לאל, ואין לנו דבר נחמד רק זה, ואם ההכרחי טוב מאד כמו שהאריכו החכמים ובפרט אריסטו בס' המדות, וכל הטובות היעודות לנו בתורה הגה זה, ואם ההמון יחשבו שהוא ההערפת, ולא הרחיקו משה מהיות ההמון מבינים זה, כי עכ"פ בזה יתאמצו יותר, אבל הכוונה האמתית הוא הכרחי, וכבר השיבותי זה לנוצרים, ובפרט ממה שאמר אריסטו בס' המדות בכלל, כי הטובות שהם מחוץ, הם כלים ועזרים הכרחיים לטובות אשר בנפש שהם השלמות, ולכן כאשר נמצא זה השמוש בכל המקרא יפורש איש על מקומו כראוי לו

וברב על ההעדרה, והפליג שלמה באמרו בספרו על זה כמו שאמרנו
 בשרש את, השם הוא עושר גדול (ש"א י"ז כ"ה) רש ועשר אל תתן לי
 (משלי ל"ה) התאר עשיר ורש נפגשו (משלי כ"ב ב") ואת עשיר
 במזחיו (ישעיה נ"ג ט'), הטעם כי על הרוב הם רשעים, והפך זה ועשירים
 בשפל ישבו (קהלת י"י) כי הטעם החכמים המסתפקים. הפעל קל אך
 עשרתי (הושע י"ב ט') לא יעשר ולא יקום (איוב מ"ו כ"ט) הנוסף יעשרני
 המלך עושר גדול (ש"א י"ז כ"ה) רבת תעשרנה (תהלים ס"ה י') אל
 תירא כי יעשיר איש (שם מ"ט י"ז) ברוך י"י ואעשיר (זכריה י"א ה')
 בנות האלק, ויד חרצים תעשיר (משלי י"ד). על כן גדלו ועשירו
 (ירמיה ה' כ"ו) אני העשרתי את אברם (בראשית י"ד כ"ג) ברכת י"י היא
 תעשיר (משלי י" כ"ב):

פאר. ידוע שהוא מין כבוד והוד והדר, השם כי תפארת עוזמו אתה
 (תהלים פ"ט י"ח) לכבוד ולתפארת (שמות כ"ה ב") ובא כפול הרי"ש
 לחזק כל פנים קבצו פארור (יואל ב' ו') כמו פאר, כטעם וכוכבים אספו
 נגהם (יואל ב' י') ומה הניחו לדברים המהודרים ואמרו פאר תחת אפר
 (ישעיה ס"א נ'), די בזה הערה על הפוך השמות. ואת פארי המבטת
 (שמות ל"ט כ"ח) פארי פשתים (יחזקאל מ"ד י"ח) הפארים והצעדים
 (ישעיה נ" כ") ופארכם על ראשיכם (יחזקאל כ"ד כ"ג) וכן מזה שמו שם
 לענפים היותר הדורות ומהודרות מן האילן, ואמרו ותארכנה פארותיו
 (יחזקאל ל"א ה') ותחת פארותיו ילרו (שם ו') וכן מסעף פארה במערצה
 (ישעיה י' ל"ג) ומה שנמצא שהרי"ש קודם בסדר לא"לף כמו ותשלח
 פארת (יחזקאל י"ז ו')¹ או זולת זה, אומר כי השם משרש פרה שנוכר
 עוד, הפעל הדגוש מזה ולקדוש ישראל כי פארך (ישעיה ס" ט') ובית
 תפארתי אפאר (שם שם ז') לפאר מקום מקדשי (שם שם י"ג) לא תפאר
 אחרך (דברים כ"ד כ"), הטעם לא תכבד עצמך עם חבריך ההמונים או עם
 אשתך ובניך כי תביט אחרך לעצור הכל, זה לשון הנזק בעברי ובהגיון, ואם
 אמר לא תתפאר אחרך היה יותר מבואר לכל. ההתפעל התפאר עלי
 (שמות ח" ה') פן יתפאר עלי ישראל (שופטים ז' ב') ישראל אשר בך
 אתפאר (ישעיה מ"ט ג') היתפאר גרון (ישעיה י" ט"ו):

פוש. שלמות חזק. שם זה המקרה לא ידע בפש מאד (איוב ל"ה ט"ו),
 ומה שמו שם למצא נגלה ונסתר, ואמרו על הנהר הראשון פישון
 (בראשית ב' י"א) כי הוא יותר חזק מחבריו, ונכון שהוא נילוס ונקרא

¹ ג.א במסדה פראת ²

פישון מבני עצמות ענינו על כל הנהרות בעולם. כ"ש שזח ענינים פילוסופיים דקים מאד, זה אחר מן הדברים שהשגנו מצד דקדוקנו בשרשים¹. הפעל קל ופשו פרשיו (חבוק א"ח) כי תפרש כעגלה דשה (ירמיה נ"א) ויצאתם ופשתם (מלאכי נ"ב):

צדק. כבר זכר המורה שתופו, וגם בתנין התבאר האמת שבינו ובין אמת, ואם הם בסוג ומין, ר"ל שכל אמת הוא צדק ולא יתהפך, ובכלל כי כל לשון צדק בספרי הקדש לפי דעתי הוא המתנגד לכוב, ולא נצטרך לשום בזה ענינים כלל, השם צדק תרדף (דברים ט"ז) בשש נקודות, ובכנוי צדיק מאל (איוב ל"ה ב") ומוזה שמו שם לכוך ידוע צדק, כאמרו צדק לפניו יהלך (תהלים פ"ה י"ד) צדק יקראוהו לרגלו (ישעיה מא"ב) כמעט וארה צדיקים כאור נונה (משלי ד"ח) שהוא כוכב אחר, וידוע כל זה אצל חכמי התכונה. וכלשון נקבה ויחשבה לו צדקה (בראשית ט"ו ו') ותחשב לו לצדקה (תהלים ק"ו ל"א) וצדקה תהיה לנו (דברים ו' כ"ה) וענתה בי צדקתי (בראשית ל" ל"ג), התאר י"י הצדיק (שמות ט" כ"ז) איש צדיק (בראשית ו' ט') ויסלף דברי צדיקים (שמות כ"ג ח') ואנשים צדיקים (יחזקאל כ"ג ט"ה) ומוזה לאלפים, עם היותו כמו בשאר התארים נאמר אם במוחלט אם בצדק, כאמרו כבלע רשע צדיק ממנו (חבוק א"יג) וכבר בארנו זה הכתוב בפרקים. ואולם מה שאמר ואם שבי צדיק ימלט (ישעיה מ"ט נ"ד) ואחד המיר ומלקוח עריץ ימלט (שם), לא שיהיה הוראתם אחת בעצם, אבל כיון להעירנו ע"ז שלמה בהמירו עשיר בכסיל, ללמדנו שכל עשיר הוא כסיל, ויותר כשיחובר לו אדנות ונגידות, כאמרו נגיד חסר תבונות ורב מעשקות (משלי כ"ח ט"ז) ואמנם מה שאמר היוקה מנבור מלקוח וכ' בתימה, ואחר יקיים גם שבי נבור יוקת, הנה ע"ז המין דברנו בכלל בפרקים. הפעלים מזה השרש אם מן הקל צדקו יחדו (תהלים י"ט י') צדקה ממני (בראשית ל"ח כ"ו) יחנו עדיהם ויצדקו (ישעיה מ"ג ט') ספר אתה למען תצדק (שם מ"ג ט') למען תצדק בדבריך (תהלים נ"א ו') תצדקנה ממך (יחזקאל מ"ו י"ב) כי לא יצדק לפניך כל חי (תהלים ק"מ ב') הנפעל ונצדק קדש (דניאל ח" י"ד), הדגש צדקה נפשה (ירמיה נ"א) ותצדקי את אחותך (יחזקאל מ"ז נ"א) בצדקך אחיותיך (שם שם נ"ב), וכל אלה ממין שאמר בצדק, דבר כי חפצתי צדיק (איוב ל"ג ל"ב) הנוסף והצדיקו את הצדיק (דברים כ"ה א'), תעוד ואלי יבא כל איש אשר לו ריב והצדקתיו (ש"ב מ"ו ד') המעם האיש שיש לו דין בריבו, ולכן

¹ עי' כשטה כסף II במקומו

צָרָף לוֹ מִשְׁפָּט, כִּי לֹא אֶצְדִּיק רִשְׁעִי (שְׁמוֹת כ"ג ז') עֲנִי וְרֵשַׁע הַצְדִּיקוֹ (תְּהִלִּים פ"ב ג') וּמִצְדִּיקֵי הָרַבִּים (דְּנִיָּאל י"ב ג') :

צָהָר. מִיִּן זֶהָר, קִרְאוּ מִזֶּה שֵׁם לַחֲלוֹק יִדְעוּ אֲעֲלֶם שְׁמִמְנוּ יִכְנֹם זֶהָר וְנוֹנָה, וְאָמְרוּ צָהָר תַּעֲשֶׂה לְתַבָּה (בְּרֵאשִׁית ו' ט"ז) וְכֵן עַל חֶלֶק הַזֶּמֶן מִן הַיּוֹם וְהוּא כִּשְׁהִשְׁמַשׁ בְּחִצֵּי הַשָּׁמַיִם אוֹ קְרוֹב לֹזֶה אָמְרוּ כִּי אֲתִי יֵאָכְלוּ בַּצְהָרִים (בְּרֵאשִׁית ט"ג ט"ז) וּמִצְהָרִים יָקוּם חֵלֶד (אִיּוֹב י"א י"ז), וְנֹאמַר בְּלִשׁוֹן שְׁנַיִם שֶׁהוּא מִיִּן כָּפַל לַחֲזוֹק הַזֶּהָר מִן הַצָּהָר, זֶה לֹא דוֹקָא שְׁנַיִם, וְכֵן עֲרַבִּים בַּעֲצָלָתֵיכֶם, וְרַבִּים כֵּן, וְכֵן מִזֶּה הַרְשָׁע שְׁמוֹ שֵׁם לִשְׁמֹן כִּי יֵשׁ לוֹ זֶהָר וְאָמְרוּ דִּנְן תִּירוֹשׁ וַיִּצְהָר (דְּבָרִים כ"ח נ"א), אֶרֶץ זֵית יִצְהָר וְדִבְשׁ (מ"ב י"ח ל"ב), וּמִזֶּה נַעֲמֹד עַל הַנִּסְתָּר הַנוֹכַח בְּמַעֲשֵׂה מִרְכַּבָּה אֱלֹהִים שְׁנֵי בְנֵי הַצָּהָר (זְכַרְיָה ד' י"ד), וְחִלְלָה לִכְנוֹן כְּמֹשֶׁ אֲבָן קִמְחִי עַל זְרוֹבָבֶל וַיְהִי־שֶׁעַ כִּי הֵם טָנְף הַטְנוּף בְּכַךְ אֶל הַמִּכּוֹן בּוֹכְרִיָה הַנִּבְיָא בֹּהֶ, הַפּוֹעֵל הַנוֹסֵף בֵּין שׁוֹרְתָם יִצְהִירוּ (אִיּוֹב כ"ד י"א) הַמַּעַם יַעֲשׂוּ צִהִירָה וְצָהָר וְהַצָּהָרוֹת, וְאִם בָּלִי סַפֵּק תִּנּוּעָה זֶה עַל שְׁמֵן :

קָרַח. מִיּוֹחֵד תַּחֲלָה לַהֲעַבְרַת שַׁעַר הָרֹאשׁ, וְאַחַר הָרֹשָׁאֵל לְכָל הָעֵבֶרֶת שַׁעַר אֶף מִן הַבֶּגֶד, אַחֵר שֶׁהָרֹשָׁאֵל לוֹ שֵׁם שַׁעַר כְּמוֹ שֶׁמְפֹרָסֵם בְּלַע"ו. הַשֵּׁם מִזֶּה הַרְשָׁע לְמִיִּן וְעַל כָּל רֹאשׁ קָרַח (יִרְמְיָה מ"ח ל"ז) בָּאָה קָרַחָה עַד עֲזָה (שֵׁם ט"ז ה') וְנִכְתָּב בְּאַלְף וְהִקְרִיחוֹ אֶלֶיךָ קָרַחָה (יִחְזָקָאל כ"ו ל"א) הִרְחַבִּי קָרַחְתְּךָ כְּנֶשֶׁר (מִיכָה א' ט"ז), וּמֹ"א בְּקָרַחְתּוֹ אוֹ בְּנִבְחָתּוֹ (וַיִּקְרָא י"ג ט"ג), וְכֵן בְּבִגְדֵי כִי הַכּוֹזְנָה בָּאֵלוֹ שְׁנֵי הַשְּׁמוֹת בְּאֶדָם, ר"ל קָרַחָה וְנִבְחָתָה כְּמֹשֶׁ בְּרִשְׁשׁ נִבְחָתָה, כִּי נִבְחָתָה הוּא בְּרֹאשׁ בְּחֶלֶק שְׁכֵנֶגֶד פְּנֵי הָאֶדָם, וְקָרַחָה הוּא בְּחֶלֶק מִן הָרֹאשׁ כְּנֶגֶד אַחֲרָיו, וְלִכְּן אַחֵר שֶׁנֹּאמַר גַּם בְּלַע"ו בְּבִגְדֵי פָנִים וְאַחֲרָיו גַּם יִחַס שַׁעַר, הֵנָּה נֹאמַר נִבְחָתָה בּוֹ מִה שְׁכֵנֶגֶד הַפָּנִים כְּאִמְרָנוּ בְּלַע"ו דְּרִיג'וֹ, וְנֹאמַר קָרַחָה בּוֹ מִה שְׁכֵנֶגֶד הָאֲחֹרֶךְ כְּאִמְרָנוּ בְּלַע"ו אֵינִבִּי"ש, וְאַחֲ"כִּי כִי רָאוּ שֶׁהַדָּבָר הַיּוֹרֵד מִן הַשָּׁמַיִם בַּעַת הַקּוֹדֵר הַחֹזֵק וְיִוְתֵר בְּלִילוֹת כְּטַעַם רִסְיָסִי לִילָה (שֶׁה"ש ה' ב') הֵנָּה מַפְסִיד שַׁעֲרוֹת רֹאשׁ הָאֶדָם עַד שִׁיחִיו נִמְרָטוֹת וְנוֹשְׁרוֹת וַיִּשְׁאָר קָרַח, לִכְּן שְׁמוֹ לוֹ שֵׁם מִזֶּה וְאָמְרוּ הֵייתִי בְיוֹם אֲכַלְנִי חוֹרֵב וְקָרַח בְּלִילָה (בְּרֵאשִׁית ל"א ט"), כַּעֲיִן הַקָּרַח הַנּוֹרָא (יִחְזָקָאל א' כ"ב) מִשְׁלִיךְ קָרַחוֹ כְּפִתִּים (תְּהִלִּים קמ"ו י"ז) לְפָנֵי קָרַחוֹ (!) מִי יַעֲמֹד (שֵׁם), וְכִבֵּר הִדְעֵנוּ כִּי הִרְבָּה מִן הַשְּׁמוֹת יוֹנָתָן לְרַבֵּר מִצַּד שֶׁהוּא פּוֹעֵל, וְאִם תֹּאמַר הֵנָּה כֵּן יַעֲשֶׂה וַיַּפְעֵל זֶה שִׁיחִיהָ הָאֶדָם נִבְחָתָה, הַתְּשׁוּבָה כְּבֵר אָמְרָנוּ כִּי אֵין חֻבָּה בְּשֵׁם אֶחָד שְׁיוֹנָה לְרַבֵּר שְׁיוֹרָה עַל כָּל עֲנִיָּין, וְדִי אִם יוֹרָה עַל אֶחָד, וּבִחְרָו יִחַס וְקָרַחוֹת כִּי יוֹתֵר הִיָּה רָאוּי לְתֹארוֹ

מצד הקרחות מלתארו מצד הנבחת, מפני שיותר הוא מודגש ענין הקרחות מצד שפאת הפנים מן הראש הנה הוא מכוסה תמיד, גם בארצנו זאת גם שמה שנשאים סודר על ראשם, אבל פאת האחור היא נראה ומוחש לכל גם אצלנו גם שמה כמפורסם, וכבר הודענו זה הכלל בפרקים ואחר שבארנו הענינים נאמר בלשון כי מענין קרחת האדם נאמר בפעל קל קרחי וגוי (מיכה א' ט"ז) לא יקרחו קרחה בראשם (ויקרא כ"א ה'), הנפעל ולא יקרח להם (ירמיה ט"ז ו') הנוסף והקריחו עלך קרחה (יחזקאל כ"ז ל"א) כל ראש מקרח (שם כ"ט י"ח):

קרן. מענין עזו ותוקף שמצורף לו התנשאות הדבר והתרוממותו הפך שרש רגע, מזה שמו שם לדברים שיש בראש הבע"ח שבו מנחמים הנה והנה כי הוא עזו ותקפו, וגם הוא דבר עז ותקיף מצד קשיו יותר מכל שאר חלקיו, ואמרו נאחו בסבך בקרניו (בראשית כ"ב י"ג) וקרני ראם קרניו (דברים ל"ג י"ז), ועל צד הדמיון וההשאלה הניחו זה לאדם העז והתקיף, ואם אין לו קרנים במבע, ואמרו מזה הרבה בספר דניאל על המלכים התקפים, כ"ש שראוי זה שם מצד שהוא קורא אותם בשמות שאר בע"ח כידוע לידוע, ואמר הקרן הגדולה (דניאל ח' ח') יצא קרן אחת מצעירה (שם שם ט') ולו קרנים (שם שם ג') בעל הקרנים (שם שם כ') והקרנים נבהות (שם שם ג') וישבר את שתי קרניו (שם שם ז'), וכן מזה יאמר הלא בחוקנו לקחנו לנו קרנים (עמוס ו' י"ג) וכן וקרנים מידו לו (חבקוק ג' ד') זה סימן שנים מצד הבינוני אל איש נפרד, כמו עינים אונים אפים ידים ורגלים, ומצד הבינוני אל כלל עם הוא לשון רבים, ונמצא רמה קרני (ש"א ב' א') בלשון יחיד מניני וקרן ישעי (תהלים י"ח ג') קרן משיחו (ש"א ב') ועוללתי בעפר קרני (איוב ט"ז ט"ז) אצמיה קרן לבית ישראל (יחזקאל כ"ט כ"א) ובלשון נקבות ארבע קרנות (זכריה ב' א'), אלה הקרנות אשר זרו את יהודה (זכריה ב' ד') לידות את קרנות (שם) תרוממנה קרנות צדיק (תהלים ע"ה י"א) הן כל אלו ראוי שילעזו כפשוטן ר"ל כאנה ממש, כמו שנלעז רגל השלחן והמטה כפשוטן, וכזה רבים, אבל המכוון העולה מן הלשון הוא עז ותקיף, רק שאם נלעזו בן לא נאמר מכוח המלה מצד עצמותה, וכבר בארנו זה הכלל בפרקים. ואח"כ כי ראו שיש לבעלי המלאכה והאומנים צורות שעושים בבנינים צורות קרנות, הנהיגו בזה ג"כ כענין על שם מסופק ואמרו קרנות שן (יחזקאל כ"ז ט"ז) על קרנות המזבח (ויקרא ד' י"ח) על קרנותיו (שמות ל"ב ב'), חזק כי היה מנהגם לתקף ולהראות מורא שהיו עושין על זווית המזבח בתבנית קרנות,

העדר ויחזק בקרנות המזבח (מ"א א" נ"), ואיך שיהיה הנה טבע השרש אינו זו ממקומו כי ענינו בכל שמשויו עז וחקיף. ואולם הפעל מענין עז ותוקף גמור עם התרוממות, אמרו מן הקל כי קרן עזר פני משה (שמות ל"ד כ"ט) כמעט ועז פניו ישנא (קהלת ח" א") שהוא שנוי לטובה, מצד הראות בפניו עז ותוקף על כל שאר בני אדם, והיה זה במשה הפך עזרי רגע וימאס (איוב ז" ה") וידוע שהעזר הוא המוחש והמורגש, ולכן אמר בתורה עזר, והענין כי בדרת משה מן ההר, אשר שם עמד דובר עם המלך הגדול העליון, נשאר לו מעז פני המלך ותקפו שכן היה לו בפניו, עד שהיה ענין נפלא מכל פני שאר בני אדם, עד שיראו מנשת אליו, כי היה אותו העז והתוקף מפלי לבבם ונותן מורד בלבבם, ובפ' התורה הארכתיו יותר, וחלילה שיהיה עצמות שום שמש קרן זוהר או נונה או שום דבר זולת מה שאמרנו, שהוא עז ותוקף. ואולם אם היה העז והתוקף הזה מצד הנברת זוהר ונונה אין אני מודיע זה, רק שאומר שטעות גדול הוא ללעזו רק פרט עז ותוקף, ר"ל פורס"ה בלע"ז, ואולם ממין קרנות הבהמה נמצא על דרך הנוסף משור פר מקרן מפרים (תהלים ס"ט ל"ב):

ראם. גם זם כמ"ש בשאר האותיות, וכן ראם ורום או רים ורמם ורמה, הוא ענין אחד, והעד בזה כי להיות אצלם בע"ח ידוע רם ונשא מאד קראו שמו באלף יו"ד, ואמרו וקרני ראם קרניו (במדבר כ"ג כ"ב) כמו בן ראמים (תהלים כ"ט ו') ובנוח האלף במבטא מקרני ראמים עניתני (תהלים כ"ב כ"ב), ובשמיטת האלף ושום תמורתה יו"ד, היאבה רים עברך (איוב ל"ט ט') התקשר רים בתלם עבותו (שם שם י') ואומרים שנקרא בסיפול"ל בלע"ז, וכן מזה שמו שם לאבן ראמה במעשה (!) ראמות ונביש (איוב כ"ח י"ח) הפעל וראמה וישבה תחתיה (זכריה י"ד י') התאר ראמות לאויל חכמות (תשלי כ"ד ז'):

רדף. ידוע ענין רדיפה שהוא המשכות והתקרבות דבר אל דבר, ולכן אין כלל ענינו בלעז שיגורא"ר רק שי"גיר או אינשיג"ר, הפעל קל רדף אחרי הרבב (שופטים ד" ט"ז) ולא רדפו אחר בני יעקב (בראשית ל"ה ה') רדפו אחריהם (יהושע ב" ז') בקש שלום ורדפיהו (תהלים ל"ד ט"ו) תחת רדפי טוב (שם ל"ח כ"א) נמשך בקמץ תחת הרי"ש, צדק צדק תרדף (דברים ט"ז כ') שכר ירדפו (ישעיה ה' י"א) ויקם אדם לרדפך (ש"א כ"ה כ"ט), ודם ירדפך (יחזקאל ל"ה ו') בקמץ חטף תחת הרל"ת, כי בן קריאת בן אשר אשר א:ו סומכים עלי, ובשנוי נקור ירדף אויב נפשי (תהלים ז' ז'), הנפעל על צוארנו נרדפנו (איכה ה' ה'), הדגוש ורדפה את מאהביה (תושע

ב"ט" וּמִרְדֵּף צִדְקָה (מִשְׁלֵי מ"ו ט") ואִיבִיו יִרְדֵּף חֹשֶׁךְ (כְּחוּם א"ח"), וְשֵׁלָא נִזְכָּר פֻּעְלוֹ מִמֶּנּוּ וּרְדֵּף כְּמוֹן הָרִים (יִשְׁעִיָּה י"ז י"ג), הַנוֹסֵף כְּתָרוֹ אֶת בְּנִימִין הַרְדָּפָהוּ (שׁוֹפְטִים כ"ט מ"ג) מִרְדֵּף בְּלִי חֹשֶׁךְ (יִשְׁעִיָּה י"ד ו'):

שִׁבְט. מִן מִטָּה אוֹ מִקֵּל כְּמִשְׁ בִּלְעָז וִירְגָא, וּבִבְלָל עֵינֵי הַמַּשְׁכּוֹת שְׁעוֹר קֵן, חִיּוֹתֵר מִפּוֹרְסֵם כִּי יִכָּה אִישׁ אֶת עַבְדּוֹ אוֹ אֶת אִמְתּוֹ בְּשִׁבְט (שְׁמוֹת כ"א כ'), תְּרוּעָם בְּשִׁבְט בְּרוּל (תְּהִלִּים ב"ט מ") שִׁבְט מוֹסֵר יִרְחִיקֶנָּה מִמֶּנּוּ (מִשְׁלֵי כ"ב ט"ו), וְעִדֵּי הַרְמִיּוֹן לְכָל מִכָּה וּמוֹסֵר מֵאֵת הַשֶּׁם וּפְקֵרֶת בְּשִׁבְט פִּשְׁעֵם (תְּהִלִּים פ"ט ל"ג) אִם לְשִׁבְט אִם לְאֶרֶצוֹ (אִיּוֹב ל"ז י"ג) אֲשׁוּר שִׁבְט אִפִּי (יִשְׁעִיָּה י"ה") כְּמוֹ מִפְּנֵי אֶתָּה לִי (יִרְמְיָה נ"א כ'), וְהַעֲד מִטָּה הוּא בִידֵם זַעֲמִי (יִשְׁעִיָּה י"ה") וִיקְרָא הָרֹאשׁ וְהַמּוֹשֵׁל שִׁבְט כִּי נִהוּג שְׁבִידוֹ תְּמִיד שִׁבְט הַמִּפּוֹרְסֵם אֲצִלָּנוּ, וְאִמְרוּ שִׁבְט מוֹשְׁלִים (יִשְׁעִיָּה י"ד ה') לֹא יִסּוֹר שִׁבְט מִיְּהוּדָה (כְּרִאשִׁית מ"ט י"), זֶה שֶׁנֶּאֱמַר עַל דָּוִד וּמַלְכוּתוֹ אַחֲרָיו עַד צִדְקִיהוּ, וְכֵן עָלָיו נֶאֱמַר שִׁבְט מִישׁוֹר שִׁבְט מַלְכוּתֶךָ (תְּהִלִּים מ"ה ז'), וְכִבֵּר הָאֲרֻכּוֹ עִזֵּי בִפִּי הַתּוֹרָה, וְכֵן מִזֶּה הַדְּבָר דְּבַרְתִּי אֶת אֶחָד שִׁבְטֵי יִשְׂרָאֵל (ש"ב ו' ז'), כִּי בְּמִקּוֹמוֹ כְּתִיב בְּרַבְרֵי הַיָּמִים אֶת אֶחָד שׁוֹפְטֵי יִשְׂרָאֵל (דְּבָרִיָּא י"ז ו'), וְכִי רָאוּ שְׁעַת סוֹפֵר וְקוֹלָמוֹס הוּא בְּתַבְנִית שִׁבְט וּמִטָּה שֶׁהוּא שְׁעוֹר קוֹ נִמְשָׁךְ, אִמְרוּ עָלָיו מוֹשְׁכִים בְּשִׁבְט סוֹפֵר (שׁוֹפְטִים ה' י"ד), וְכֵן כִּי רָאוּ כּוֹחַ הַמַּשְׁכָּת קִבּוּץ עִם כְּשִׁילָקָה בּוֹ שְׁעוֹר כָּאֵלוֹ הוּא כְּמָה מֵתֻרְבֵּק, אִמְרוּ לְשִׁבְטוֹ וּלְמִשְׁפַּחְתּוֹ (שׁוֹפְטִים כ"א כ"ד), בַּחֲמֵשׁ נִקּוּדוֹת, וְלִרְבִּים שֶׁשֶּׁם עָלָיו שְׁבָטִים שְׁבָטֵי יִה (תְּהִלִּים קנ"ב ד') וְהַשִּׁבְט גְּדוּל מִן הַמִּשְׁפָּחָה, וְהַעֲד אִמְרוּ מִשְׁפַּחוֹת שְׁבָטֵי בְּנִימִין (ש"א ט" כ"א), וְכֵן וִיקָרֵב אֶת יִשְׂרָאֵל לְשִׁבְטוֹ (יְהוֹשֻׁעַ ז' ט"ז) וְאַחֲרַי וִיקָרֵב אֶת מִשְׁפַּחַת יְהוּדָה (שֵׁם שֶׁם י"ז), וְכִי נִמְצָא אֶת שִׁבְט בְּנִימִין, אֵין תִּימָה מִשְׁנֵי צַדִּידִים, הָאֶחָד מִצַּד שְׁאִמְרֵנוּ בְּפִרְקִים, עֵינֵי הַיַּחֲדִיד וְהַרְבִּיבִים, וְהָאֶחָד מִצַּד שְׁעִבָּם נִכּוֹן שִׁיקְרָא נִם הַמִּשְׁפָּחָה שִׁבְט, אַחֲרַי שֶׁהוֹדְעָנוּ לָמָּה נִקְרָא קִבּוּץ עִם שִׁבְט, וְכֵן מִטָּה וּמִמּוֹת כ"ש שֶׁעַל כָּלֵל כָּל הַשָּׁנִים עֶשֶׂר שְׁבָטִים נֶאֱמַר שִׁבְט נִחְלָתוֹ (יִרְמְיָה י"ט ט"ז):

שְׁכָל. מוֹנֵחַ לְהַעֲדֵר עוֹבֵי הַדְּבָר וְרַבּוֹי וְגִדְלָן, כְּמִשְׁ שִׁיּוּרָה עַל מִיעוֹט הַדְּבָר וּקְמִנוֹתוֹ אִם מִצַּד כְּמוֹת מִתְחַלֵּק אוֹ כְּמוֹת מִתְרַבֵּק, וְלִכְּן נֶאֱמַר מִצַּד כְּמוֹת מִתְחַלֵּק בְּמִשְׁקְלֵי הַשְּׁמוֹת, וְלֹא אֲדַע שְׁכָל (יִשְׁעִיָּה מ"ז ח'), וְהַמַּעַם אִיבּוֹר הַבָּנִים שׁוֹה מִיעוֹט אוֹ הַעֲדֵר רַבּוֹי בֵּית הָאֵב וּמִשְׁפַּחְתּוֹ, שְׁכָל לְנַפְשִׁי (תְּהִלִּים ל"ה י"ב) שְׁכָל וְאַלְמוֹן (יִשְׁעִיָּה מ"ז ט"). וּמִ"א שְׁכָל בְּפִלֵּם חֲבוּק יָדִים מֵאִמְרוֹ לְרַבִּים בְּנֵי שְׁכָלִיד (שֵׁם מ"ט כ') בַּחֲדִיק הַשִּׁי", הַתָּאֵר כְּרֹב שְׁכָל (הוֹשֻׁעַ י"ח) בַּפֶּתַח הַשִּׁי", וְשְׁכָלָה אֵין בָּהֶם (שֶׁח"ש ד' ב'),

ומענין זה שמו שם לחלק המיוחד שהוא מנרגי הענבים הנקרא בלע"ז ראד"ם, אך כשהוא סמן בכמותו גם מתחלק גם מתחבר כדמות מה שנקרא בלע"ז פיצוי"א, ואמרו אין אשכול לאכול (מיכה ז' א'), כי זה המין ימצא ראשונה ברוב מבושל, כמו שיאמר בכורה אותה נפשי (שם) וזה המין ערב לאדם לאכול גם בראשונה גם אחר כן כזו שהוא מפורסם, והפלינו לראות טוב הארץ כי המרגלים לקחו מן החלק הקטן, ועם זה היה גבול אחד בערך אל שאר הארצות, עד שכתוב וישארו במוט בשנים (במדבר י"ד כ"ג), וכן אשכל הכפר (שה"ש א' י"ד) כי כמו זה נמצא באותו המין, והפלינו לשבח דדי האשה היא, ואמר ושידך לאשכולות ויותר מבואר שדיך לאשכולות הגפן (שם ז' ח') כי היו קטנים ועגילים כמו מה שנהנו המדקדקים בזה לומר פיניטא"ש, והנה לאשכולות האלף בפתח, ואולם הפעלים מה השרש מן הקל ואני כאשר שכלתי שכלתי (בראשית מ"ג י"ד) למה אשכל גם שניכם (שם כ"ז מ"ה) כי תשכל מנשים אמך (ש"א מ"ו ל"ג) ואני שכולה וגלמודה (ישעיה מ"ט י"א), הדגוש רחליך תנויך לא שכלו (בראשית ל"א ל"ח) תפלט פרתך ולא תשכל (איוב כ"א י') לא תהיה משכלה (שמות כ"ג כ"ו) שכלתי אברתי את עמי (ירמיה מ"ו ז') כאשר שכלה נשים חרבך (ש"א מ"ו ל"ג) אותי שכלתם (בראשית מ"ב ל"ו) מחוץ תשכל חרב (דברים ל"ב נ"ח) אעביר בארץ ושכלתה (יחזקאל י"ד מ"ו) וזיה רעה ושכלך (שם ה' י"ז) והארץ משכלת (מ"ב ב' י"ט) ולא יהיה עוד מות ומשכלת (שם שם כ"א) ומשכלת גרים את (יחזקאל ל"ו י"ג), הנוסף חציו כגבור משכיל (ירמיה נ' ט'), ואולם מענין שכול האשכול אשר בנפנים נמצא מן הדגוש, ולא תשכל לכם הגפן (מלאכי ג' י"א), הטעם שהגפן לא תצמח אשכולות, כי אחת מן המאורות בנפנים היא כמפורסם שיהיו החלקים האלה קטנים בכמות :

שכן. בסין כבר קדם לנו שרש סכן בסמ"ך, שענינו הברל והפרש וכן יחוייב שיהיה שרש זה, ולא נמצא מזה רק שם לכלי הברזל החותך שנהוג לחתוך לחם ובשר בעת האכילה שהוא מבריל ומפריש לחולק ומחלק המפורסם ושמת סכין בלעך (משלי כ"ג ב'), וזה כי הוא מדבר על אדם כשהוא יושב לאכול בשלחן המושלים והגדולים כמ"ש שם כי תשב ללחום את מושל (שם שם א') כדרך כל אוכל כמ"ש, שלפניו יביאו סכין לחתוך הלחם והבשר והדומה לזה ממוזג, וצוהו שלמה אל תתאו למטעמותיו וכ' עד שאומר לו כי אם הכרח שישב ויסב בשלחנו לאכול כי יצוהו המושל, שלא יאז נמשך באכילה, אבל הסכין שבירו ולפניו שהוא מיוחד לחתוך כרי

שאכול לא ישתמש בו, אבל ישימו כמו שהוא תוך פיו, כי בזה ימנע עכ"פ מלאכול, א"כ סכן אם בשי"ן אם בסמ"ך כמו שהוא ברברי רז"ל, הנה הוא משרש סכן בסמ"ך, שקדם זכרו מענין הברלה והפרשה, כ"ש שהפליג לשום זה השם בבאן כי טעם שיבדל ויפורש מן האכילה וגם שיבדל ויפריש פיו כי יפתח שפתיו בשום סכינא תוך פיו, כי זה מנע מהנעת לחיו ללעוס המזון גם להכניסו תוך פיו, א"כ מכאן צדין הפליג:

שכח. ידוע ענין זה והוא ענין גילה יותר חזק משושה, וששה יותר חזק מצילת, ודי בזה הברל בקצת הנדפסים ר"ל בענין פחות יותר. השם כי בשמחה תצא (ישעיה נ"ה י"ב) ושכחתי אני את השמחה (קהלת ח"ט"ו) ובצלעי שמחו (תלים ל"ה ט"ו) התאר והיית אך שמח (דברים י"ז ט"ו) השמחים אלי גיל (איוב ג' כ"ב) הטעם שמחה גדולה עד שיגיעו אל גיל שהוא יותר חזק, ונשתנה בסמיכות נאנחו כל שמחי לב (ישעיה כ"ד ו') ובלא שנוי שמחי רעתי (תלים ל"ה כ"ו) הפעל קל שמח מצרים בצאתם (תהלים ק"ה ל"ח) לכן שמח לבי (שם י"ז ט") ושמח בלבם (שמות ר" י"ד) ירון רשמח (משלי כ"ט ו') בצרי תחת המ"ם, וכן צהלח רשמחה (אסתר ח"ט"ו) שמח בחור בילדותך (קהלת י"א ט") חח אינו צווי בכוונה מן המצוה שיעשה רק דרך גוון, כמו איש גלוליו לכו עברו (יחזקאל כ" ל"ט). באו בית אל ופשעו הגלגל (עמוס ד' ר'), ואולם בדרך אחרת שמח זבולן בצאתך (דברים ל"ג י"ח), וע"ד ההשאלה אור צדיקים ישמח (משלי י"ג ט") וכן אמרו רז"ל למטה הגדול שוחק (סוכה ז'). כי השמח והשוחק יתרחב ויתפשט לכו ופניו, הדגוש שמח שמחו (ירמיה כ"ט"ו) חכם בני ושמח לבי (משלי כ"ז י"א) המשמחים אלהים ואנשים (שופטים ט" י"ג) הנוסף השמחת כל אויביו (תהלים פ"ט ט"ג):

שקר. ידוע לכלנו שבח לאל, ובהניזן שמו הברל בין שקר ובין כוב ובכלל כי שקר חזק מכוב, השם מדבר שקר תרחק (שמות כ"ג ז') אויבי שקר (תהלים ל"ה י"ט) שקר רדפוני (שם קי"ט פ"ו) דובר שקרים (שם ק"א ז') בשקריהם ופחזותם (ירמיה כ"ג ל"ב) אך לשקר שאתי (ש"א כ"ה כ"א), הפעל קל אם תשקר לי (בראשית כ"א כ"ג) הדגוש ולא שקרנו בבריתך (תהלים מ"ד י"ח) לא ישקר ולא ינחם (ש"א ט"ו כ"ט), בנים לא ישקרו (ישעיה ס"ג ח') ולא תשקרו (ויקרא י"ט י"א):

תמר. הוסכם שיוורה על המשכות הדבר בעבה ויושר גדול, מזה אמרו ותמרת עשן (יואל ג' ג') כמעט והנה עלה קיטר הארץ וג' (בראשית י"ט כ"ח), אבל הוא סוג אם לישר אם לוולתו ואמרו ז"ל בית אבמינס

היו בקיאים על מעשה יהקטרת ולא רצו ללמד ושלחו והביאו אומנן מאלכסנדרה והיו יודעים לפטם כמזהם אבל לא היו יודעין להעלות עשן שהללו מחמר תולה כמקל והללו מפצל לבאן ולכאן (יומא ל"ח.), וכי ראו שהרקל תנועתו בצמיחתו הוא בזה התאר, קראו לו שם מזה וכן לפריו ואמרו זאת קומתך דמתה לתמר (שי"ר ז' ח') גם תמר ותפוח (יואל א' י"ב) ושבעים תמרים (שמות ט"ו כ"ז), ומ"א כתמר מקשה (ירמיה י' ה') וידוע כי לזה העץ לא יצאו ענפים מכאן ומכאן עד שיגיע אל העליון מאד, וכן והיא יושבת תחת תמר דבורה (שופטים ד' ה'), ונכון שיהיה תמר סמין שלה ועד שישרש, היו משימים שם לילדה שם תמר, כמו שנהוג אצלנו בויז, וגם מצד דמיון לכל זה קראו בן מינים כלים וציורים שהיו עושים במלאכה, ואמרו ותמרה בין כרוב לכרוב (יחזקאל מ"א י"ח) מקלעות כרובים ותמורות (מ"א ו' ל"ב), ותמרים מפו ומפו (יחזקאל מ"א כ"ו) ועשוי כרובים ותמרים (שם מ"א י"ח), ומדעתי לא אל חנם היו עושים תמרות אצל כרובים, כי אין ספק שכל מעשה המשכן ובזה עיקר מעשה המקדש שהיה לחקות, היה כ"ז לציור ולחקות במלאכה מה שעשה השם בשלשה העולמות במבוע וכבר הארכתי ע"ז במקום אחר¹.

תנן. מונח על מין כלוי ושלמות כמו תמם בפלס דגן כי למה לא הפעל קל חסדי י"י כי לא תמנו (איכה ג' כ"ב) תמנו חפשי מחופש (תהלים ק"ד ז') האם תמנו לנוע (במדבר י"ז כ"ח) המעם רמז לעם בכלל, שגם המדברים בכלל :

תנן. לא מצאנו מזה רק שם מין מימי ודומה לו מין ארצי, והוא מענין סוג תנה שאזכור עוד, ויהי לתנין (שמות ז' י") כפיר ותנין (תהלים צ"א י"ב) בלעני כתנין (ירמיה נ"א ל"ד) גם תנין חלצו שד (איכה ד' ג') וכן מעון תנין (ירמיה ט' י') סוג או מין, ובא במ"ם שהוא נכון כמו התנים הגדול הרובץ (יחזקאל כ"ט ג') ובלשון נקבות לתנות מדבר (מלאכי א' ג') :

תנך. לא מצאנו רק שם לחלק מה מן האוון, על תנוד און (ויקרא י"ד י"ד) ואין לנו רק מה שאמרו בספרא שהוא הגדר האמצעי שבתוך האמצעי :

¹ צ"כ II עמוד 110

"THE LORD OF HEAVEN."

(THE FIRE OF GOD; THE MOUNTAIN SUMMIT; THE DIVINE
CHARIOT; AND THE VISION OF EZEKIEL.)

A PEOPLE worshipping the Moon-god as supreme, as lord of the starry hosts, and as their own national deity, would be likely to invest him with the functions of the Sky-god, who sends or withholds the rain, wields the lightning, and speaks in the thunder. In the solitary tree struck by lightning, his worshippers would witness the visible descent of the god. In the fire kindled from its boughs they would discern the manifestation of the god within. That the latter supposition is no fancy of the modern student, may be shown from the interesting passage which closes the first chapter of Isaiah.

This chapter should properly conclude with ver. 26. Verses 27 and 28 may be, as Cheyne has suggested, an editorial link. But vv. 29-31 properly belong to the *second* chapter, from which they have been accidentally separated by the intercalation of ii. 1-5. The latter verses are derived from the margin, where originally ii. 1 may have stood as a variant to i. 1 (the title of the book), and ii. 2-5 as a sequel to i. 26. These marginalia may indeed have been written at the foot of the tablet, page, or column (חלף) containing the first chapter, or prologue, which, as we may see from the heading "*Vision of Isaiah*," &c., must have replaced chap. vi et seq., which once occupied this position. The original text of chaps. ii and iii consisted of five sections, each beginning with the catchword כִּי (i. 29; ii. 6, 12; iii. 1, 8).

The first of these has been much misunderstood. In ver. 31 חֲזָק is not an epithet of the strong man, but as may be

seen from Amos ii. 9 of the sacred *tree* ; while, in the next clause, for מעלו we should read בעלו. The whole will then run : "And the mighty oak shall be as tow, and the lord thereof (i. e., the indwelling divinity conceived as a latent fire) shall be as a spark ; and they shall both burn together, and none shall quench them." The conception belongs to the same order of beliefs with the story of the burning bush, but the result is exactly the reverse, since the prophet Isaiah is condemning the beliefs which he describes.

Analogous conceptions appear in connexion with the theophany which gave rise to the "altar" called יהוה שלום—no mere "place-name," but the appellation of the deity as there invoked, and parallel both in form and meaning to אור שלים our "Jerusalem." We are told in Judges vi. 11-24, how the מלאך—an impersonation, not a messenger, of the divinity—came and sat (like Deborah the prophetess, iv. 5) under the holy tree—"the place, and primitively, the object of worship" (Moore, on iv. 11 and vi. 11). He then appeared to Gideon, who presently made ready his offering "and brought it out unto him *under the Tree* and presented it. And the angel of God said unto him, Take the flesh and the unleavened cakes, and lay them *upon this rock*, and pour out the broth. And he did so. Then the angel of Jahveh put forth the end of the staff that was in his hand, and touched the flesh and the unleavened cakes, and the fire went up *out of the rock* and ate the flesh and the unleavened cakes ; and the angel of Jahveh departed out of his sight." Compare the appearance to Manoah in chap. xiii. 19, 20 : "So Manoah took the kid with the meal-offering, and offered it *upon the rock* unto Jahveh. . . . And it came to pass, when the flames went up toward heaven from off the altar, that the angel of Jahveh ascended *in the flame of the altar* : and Manoah and his wife looked on, and they fell on their faces to the ground."

In the latter case it is clear that the *mal'akh Jahveh* is himself the divinity manifested in the fire, which in the former case proceeded at his touch out of the sacred rock

(itself a habitation of the god) and devoured the offering made to him. And both the rock and the angel are closely associated with the sacred tree. But in the divine manifestation which decided the contest between Elijah and the prophets of Baal, the Fire of Jahveh comes straight from heaven, and acts just as in the previous cases and with similar effects. "Then the fire of Jahveh fell and ate the burnt offering, and the wood, and the stones, and the dust, and licked up the water that was in the trench. And when the people saw it, they fell on their faces": just as Manoah and his wife had done, and for the same reason—Jahveh was present in the fire¹. If the incomparable narrative of 1 Kings xviii records a fact, as I am inclined to believe, it is legitimate to suppose that, after the previous drought, and before the ensuing tempest, the altar on the exposed headland of Mount Carmel was actually struck by lightning (cf. Isa. ii. 12-15). And in the first chapter of the second book of Kings, Elijah calls down the fire of God (ver. 12) from heaven, to consume his enemies, while in the next chapter he himself is taken thither in a chariot of fire which is presumably that of Jahveh.

Thus we see that the fire of God supplies a link between heaven and earth, between the Sky-god and the *numen* of Tree or Rock. And here we have to note the especial connexion of the Sky-god with the mountain-top, resting, I doubt not, on the physical phenomena of the storm, preluded by the gathering of clouds round the highest summits, and accompanied by the lightning and the thunder—clear signs to early man of a divine presence descending in the visible cloud. This is well shown in the eighth Iliad, where, in the opening lines, Zeus, who wields the thunderbolt, holds an assembly of the gods "upon the topmost peak of many-ridged Olympus," and presently harnessing his chariot drives "between earth and starry heaven" to Ida even unto Gargarus, *ἐνθα δὲ οἱ τέμενος*

¹ If "the sacred fire of Israel" were the *naphtha* of 2 Macc., we must remember that its properties would be regarded as supernatural.

βαρύνει τὰ θύρετρα. Here he looses his horses from the chariot, and casts thick mist about them, "and himself sate on the mountain-tops rejoicing in his glory¹." So, but without the chariot, and with a sublimity of terror to which the god of Homer is a stranger, Jahveh descended on Mount Sinai². Yet more sublime is the manifestation to Elijah in the same place³, preceded by the great and strong wind, the earthquake, and the fire—but Jahveh was not in them—and after the fire, קול רממה ודק. From the mythical standpoint here presupposed and rejected, the lightning, אש אלהים⁴, is itself a theophany. It should be observed that when in 2 Kings i Elijah calls down fire from heaven, he is seated, or more probably dwelling, על ראש ההר, perhaps Carmel (ver. 9). Note also the presence (vv. 3, 15) of the מלאך יי. Among the Romans the spot struck by lightning was *sacer*, and scarred by lightning Whymper found the summit of the Matterhorn. Conversely, in Mediaeval Europe, such solitary heights as Glastonbury Tor, and the two St. Michael's Mounts—I may add a reference to Monte Sant' Angelo (and it is but one of many instances) the highest point of the Sorrentine peninsula—were placed beneath the protection of the archangel, to guard them against the assaults of Satan, "the prince of the power of the air⁵."

On the whole, then, the god of Sky and Storm is of necessity "a god of hills" (1 Kings xx. 23). But the conception which attributes to him the possession of Chariot and Horses of Fire cannot belong to the life of the nomad or to that of the early settlers in a hill country, who had even in the time of the monarchy to import their horses from Egypt⁶. Chariots were suited to the plains of Egypt and Assyria, but must have been of far less value, for military purposes, in the hill-country of Judah and

¹ II. viii. 42-52; cf. xiv. 343.

² Exod. xix. 16, 18.

³ 1 Kings xix. 11.

⁴ 2 Kings i. 12 b; Job i. 16.

⁵ Eph. ii. 2. Cf. Luke x. 18.

⁶ 1 Kings x. 28. Cf. Deut. xvii. 16; also 2 Kings xviii. 24.

Ephraim¹. Indeed, it is very probable that the victories of Israel over more powerful and civilized enemies were largely due to this circumstance². But from very early times the stars, identified with the "sons of the gods," were regarded as forming at once the army and the assembly of Jahveh. When therefore Israel became acquainted with splendid hosts in which the war-chariot played a part of great importance, it was natural that imagination should attribute a similar equipment to the hosts on high. That this was actually the case may be proved from 2 Kings vi. 14-17, where the earthly host of Syria is over-matched by the horses and chariots of fire which fill the mountain round about Elisha³. רכב אלהים רבתיים אלפי שׂנאן says the Psalmist (lxviii. 17). So the kings of Judah gave chariots and horses to the Sun⁴, but not, it would appear, to Jahveh himself, unless indeed they confounded the God of Israel with the solar Ba'al, which is just what Ahab has been often thought to have done. But it is perhaps more probable that as the Carthaginians worshipped an "Apollo" associated with "Zeus" and "Hera"⁵, so these Jewish servants of a strange god regarded the בעל השמש as son of the בעל השמים. In the Roman triumph the general mounted the sacred chariot drawn by four white horses, the same which drew the statue of Jupiter on the day of the great procession⁶, and Mommsen hence infers that "the state chariot even in the city where every one else went on foot . . . belonged alike to the Roman god and to the Roman king."

The vision of Ezekiel⁷, with its strange admixture of poetic splendour, prosaic exactitude, and irrational con-

¹ Cf. Evelyn Abbot, *History of Greece*, I, 151 and II, 22.

² Compare 1 Kings xx. 21 with ver. 23; Judges iv. 15; Exod. xiv. 25 (on wet ground).

³ Compare the interesting parallels, Hom., *Il.*, v. 127; Virg., *Aen.*, ii. 604-23.

⁴ 2 Kings xxiii. 11.

⁵ *E. B.*, art. "Phoenicia," § 14.

⁶ Fustel de Coulanges, *La Cité Antique*, III, xvii.

⁷ Chaps. i and x.

fusion, has borrowed its materials from old tradition, but has shaped them in the land of dreams, under the influence of Chaldean Art. We must separate its elements in order to understand them. The likeness of a throne¹, רִמּוֹת כֶּסֶם, is placed upon the likeness of a firmament, רִקְעַת, corresponding to the firmament of heaven clear as crystal², and blue as the *lapis lazuli*³, "thick inlaid with patines of bright gold." It is indeed not clear whether the comparison, כְּמִרְאָה אֲבָן כֶּסֶם in ver. 26 (cf. x. 1), applies to the preceding or the following clause, and the view here taken is open to the objection that it leaves the appearance of the throne undescribed. But in either case the origin of the conception must be sought in Exod. xxiv. 10: וַיֵּרָא אֶת אֱלֹהֵי יִשְׂרָאֵל וַתַּחַת רִגְלָיו כְּמַעֲשֵׂה לְבַנֵּת הַכֶּפֶר וּכְעֵצ הַשָּׁמַיִם לְמַחֵר Maspero⁴ tells us how Merodach wrought the dome of heaven "out of a hard resisting metal which shone brilliantly during the day in the rays of the sun, and at night appeared only as a dark blue surface, strewn irregularly with luminous stars." The earth, the "Mountain of the World," was at first supposed to be divided into seven horizontal zones; "later on it was divided into four 'houses,' each of which, like the 'houses' of Egypt, corresponded with one of the four cardinal points, and was under the rule of particular gods⁵." In Egypt, one ancient tradition "taught that heaven and earth are wedded gods, Sibû and Nûît. . . . Most people invested them with human form, and represented the earth-god Sibû as extended beneath Nûît the Starry One; the goddess stretched out her arms, stretched out her slender legs, stretched out her body above the clouds, and her dishevelled head drooped westward⁶." Or again, the sky is the cow Hathor⁷. "The head of the good beast rises into the heavens, the mysterious waters which cover

¹ Ver. 26.

² Ver. 22.

³ Ibid.

⁴ E. B., art. "Sapphire."

⁵ *Dawn of Civilization*, p. 544.

⁶ Ibid., p. 543.

⁷ P. 86. Cf. Hesiod, *Theogonia*, 177 ἐνέσχετο καὶ ῥ' ἐταρῶσθῃ.

⁸ P. 87.

the world flow along her spine; the star-covered underside of her body, which we call the firmament, is visible to the inhabitants of earth, and her four legs are the four pillars standing at the four cardinal points of the world ¹."

"In the eastern cities of the Delta . . . it was admitted that in the beginning earth and sky were two lovers . . . fast locked in each other's embrace, the god lying beneath the goddess. On the day of creation a new god, Shû, came forth from the primaeval waters, slipped between the two, and seizing Nûit with both hands, lifted her above his head with outstretched arms. Though the starry body of the goddess extended in space—her head being to the west, and her loins to the east—her feet and hands hung down to the earth. These were the four pillars of the firmament², under another form, and four gods of four adjacent principalities were in charge of them. Osiris, or Horus the sparrow-hawk, presided over the southern, and Sit over the northern pillar; Thot over that of the west, and Sapdi, the author of the Zodiacal light, over that of the east. They had divided the world among themselves into four regions, or rather into four 'houses,' bounded by those mountains which surround it, and by the diameters intersecting between the pillars. Each of these houses belonged to one, and to one only; none of the other three, nor even the sun himself, might enter it, dwell there, or even pass through it, without having obtained its master's permission³."

"The Heliopolitans proclaimed the creation to be the work of the sun-god Atûmû-Râ, and of the four pairs of deities who were descended from him. It was really a learned variant of the old doctrine that the universe was composed of a sky-god, Horus, supported by his four children and their four pillars; in fact, the four sons of the Heliopolitan cosmogony, Shû and Sibû, Osiris and Sit, were occasionally substituted for the four elder gods of the 'houses' of the world⁴."

And when Râ, the sun-god and first king of Egypt, would take leave of earth, "Nûit . . . changed herself into a cow, and placed the Majesty of Râ upon her back." Later on "he again mounted the cow, who rose, supported on her four legs as on so many pillars; and her belly, stretched out above the earth like a ceiling, formed the sky . . . Nûit, suddenly transported to unaccustomed heights, grew frightened, and cried for help: 'For pity's sake give me supports to sustain me.'" This was the origin of the support-gods. They came

¹ Compare the figures, *Dawn of Civilization*, pp. 86, 89, 129, and 169.

² For the four pillars and their hieroglyphic representation, vide *ibid.*, pp. 16, 17, with note.

³ *Ibid.*, p. 128.

⁴ Pp. 141, 142.

and stationed themselves by each of her four legs, steadying these with their hands, and keeping constant watch over them. As this was not enough to reassure the good beast, "Râ said, 'My son Shû, place thyself beneath my daughter Nûft, and keep watch on both sides over the supports, who live in the twilight; hold thou her up above thy head, and be her guardian.' Shû obeyed; Nûft composed herself, and the world, now furnished with the sky which it had hitherto lacked, assumed its present symmetrical form¹."

These barbarous and grotesque myths, so various in form, so consistent in significance, enable us to judge as well of the intention as of the superior elevation and refinement of the idea presented by Ezekiel. He too has his answer to the question, "Who sustains the firmament which bears the throne of God?" And he represents it as supported by four animated beings, *אֲנִיִּם*, corresponding, as we may safely presume, in the first instance, to the cardinal points and the related quarters of the heavens. They are covered *all over*² with eyes, that is, with stars, as in the well-known epigram, ascribed to Plato:—

Star of my life! Oh, might I Heaven be,
And gaze with myriad eyes on thee!

And in the second place, these supernatural bearers, now at rest, now in motion—"when they stood, they let down their wings"—inasmuch as they not only sustain the firmament on high, but also transport the throne of Jahveh from place to place, in accordance with his will, must correspond, not only to the fixed points of the compass, the four quarters of the world, but also to the *winds* which proceed from, or (according to the conception of Zechariah, vi. 6) toward them. Ezekiel stood too near the age of Deuteronomy, and, it may be thought, possessed too lofty an imagination, to adopt the horse as a symbol of the winds of God. But we may safely use the language of the later prophet to interpret the conception of his pre-

¹ *Dawn of Civilization*, pp. 167-9.

² Ezek. x. 12. But the text is by no means free from suspicion.

decessor. מלה ארבע רוחות השמים יוצאות מהתיצב על ארון כל הארץ.
Cf. Ps. xviii. 11:—

וירכב על כרוב ויעף
וירא על כנפי רוח

Whence it appears (a) that Jahveh rides upon a cherub ; (b) that the cherub is singular ; (c) that the cherub is the wind. In Ps. civ. 3, 4, Jahveh is described as :—

השם עבים רכובו
המהלך על כנפי רוח
עשה מלאכיו רוחות
מקרתיו אש להם

Here, though "he maketh the clouds his chariot" (cf. Ezek. i. 4 גורל), yet, as in the prophet's vision, "he goeth on the wings of the wind," and "maketh the winds his angels"—for *mal'akh* is, in origin, more than messenger.

It follows from what has been said that the חיות of Ezekiel are *winds*, that they are *cherubim*, and that they are מלאכי יהוה. The first of these propositions is further illustrated and confirmed by a characteristic feature of the prophet's description. It would seem that he conceives the four winds as proceeding, each in an undeviating course, from one end of heaven to the other—they *cannot turn* (see i. 12). This involves a serious inconsistency. It was, we may presume, the high purpose of Ezekiel to express the omnipresence of Israel's God. Therefore all the four winds must be associated with the chariot of Jahveh, though obviously it can only proceed in one direction at a time. Zechariah solved the problem by separating the four winds ; Ezekiel by assigning to each one the four faces, and the four natures, proper to the several elements of his conception.

We have now to inquire into the origin of these. They are, I conceive, strictly, מלאכי יהוה. The instances are many of the manifestation or embodiment of God in human form, in colloquy with the patriarchs and heroes of Israel. But the Israelites who worshipped the Calf of Aaron at

Bethel, or the Serpent of Moses at Jerusalem, must have regarded these also as embodiments of the national deity. We may reasonably place a similar interpretation on the lions which, as well as oxen and cherubim, figured among the ornaments of the Temple (1 Kings vii. 29), where, doubtless, Ezekiel may have seen them. Lastly, we cannot find among animal forms one more appropriate to the Sky-god than that of the eagle (compare the fine image in Deut. xxxii. 11). With the progress, or the reform, of religion in Israel, these beings exchanged the character of divine incarnations for that of supernatural ministers (cf. Ps. civ. 4 sup. cit.). The *אֲרָץ* of Num. xxi. 8, presumably a *שָׂרָף מְעוֹפֵף* (Isa. xiv. 29, xxx. 6), was replaced by a six-winged, yet otherwise anthropomorphic *שְׂרָפִים* of Isa. vi, attendant on the throne of Jahveh. In the vision of Ezekiel, clearly modelled on, or suggested by, that of Isaiah, either the seraphim are tacitly rejected or the Face of Man is all of them that survives.

Ezek. x. 14, in which the face of the Cherub is (by implication) identified with that of the Ox, is treated both by Toy, in the Polychrome Bible, and by Cheyne (art. "Cherub," col. 742, n. 5) as a gloss. Even so, it represents an ancient opinion, which receives strong confirmation from the remarkable and significant circumstance that *all* the four beings have hooves like the hooves of a calf (i. 7). There could not be clearer proof that the cherubim share the nature of the Calf of Bethel.

It is possible that in this mythology of the heavens, the Ox or Calf was once associated with the "Bull of Anu," the Moon, and the Lion in like manner with the power and fierceness of the Sun. But this is not the signification in which they are employed by Ezekiel. If, however, we suppose the Face of Man directed to the East, then (i. 10) the Lion's Face will be appropriately turned toward the South (*אל הימין*: cf. *חֵמָן*), the region of noonday Sun and parching Wind; the Face of the Eagle, or rather *Vulture*, toward the West, which we shall see in the sequel to be

specially the region of the Dead; while perhaps we may discover a reason to connect not the Ox, nor yet the Moon as such, but the "Bull of Anu," considered as Lord of Heaven, with the dominion of the North.

Confirmation of these hypotheses may be found in the learned, though subjective, article of Winckler upon Sinai and Horeb, § 2: "when the sun . . . is at the most southerly point of its course in the zodiac . . . the corresponding full moon being in opposition is at the most northerly point." Again, "the Babylonian view . . . takes as its point of orientation . . . the E. (= that which is before, קדם), and thus for it the N. is to the left, the S. to the right, and the W. behind" (col. 4631). It would seem that these four points were respectively assigned to Marduk, Ninib, Nabu, and Nergal (see col. 4630); to Marduk, as I understand, the East, to Ninib the North, the South to Nergal, and the West to Nabu (col. 4631).

In the Babylonian story of the Deluge we have a parallel to Ezekiel's vision far too close to be accidental. (See Maspero, *Dawn of Civilization*, 568; and King, *First Steps in Assyrian*, pp. 166-7.) "When the early dawn appeared, there came up from the horizon (*ishid shamē* = the foundation of heaven) a black cloud." (Cf. Ezek. i. 4; Ps. xviii. 8 seq.) The god within is Rammanu, the Hebrew Rimmon, the Thunderer. But the point which most concerns us is that he is accompanied by Nabu and Marduk, by Nergal¹ and Ninib. The two former deities are described in this passage as *guzalē* "messengers" (King), or as "throne-bearers"² (Maspero), while earlier in the narrative (Maspero, 566; King, 162) Ninib is called *guzalu* of the great gods. Meanwhile "The Anunnaki carried their torches, with their brightness they light up the land"—exercising a function which has plausibly been

¹ So Maspero, loc. cit., compared with p. 647, n. 5. Observe that his symbol was the lion. E. B., art. "Nergal."

² This involves reading the group of signs not phonetically as *gu-za-la*, but ideographically as *kusu* + *šaglu*.

ascribed to the Hebrew *seraphim*, of whom, as we have seen, Ezekiel avoids all mention. It is clear, I think, that they correspond to the משרתים of Ps. civ. 4, just as the מלאכים of the preceding clause correspond to the חיות, or *cherubim*, of Ezekiel, and the gods of Chaldea.

We are now in a position to judge in what manner the great phenomena of Nature presented themselves to the apprehension of the prophet and his hearers. "There is One enthroned upon the heavens, but it is Jahveh; there is indeed a god who rides in the whirlwind and directs the storm, but it is the God of Israel. Four mighty beings bear aloft the firmament, and rule the winds: these also are his ministers." Such is the interpretation of the vision. And, as the movements of the atmosphere are represented by the חיות, so the revolution of the celestial sphere, and the wandering course of the planets, find expression in the אופנים. As there was originally but one Cherub (Ps. xviii. 11), so was there originally but one Wheel; for the four do not differ in kind. Each must apparently be conceived as consisting of two intersecting circles—it would seem of equal diameter—capable therefore, as a whole, of rolling from east to west, from north to south, or in the reverse directions, but incapable of any other motion, of turning upon an axle, or of forming part of any mechanical construction. (By this time we begin to perceive that the "chariot" is not a chariot at all, nor in fact does Ezekiel call it so.) The Wheel is moved *from within* by the inspiration of the several winds, and in their respective directions כי רוח הויה באופנים (vers. 19, 20, 21). And even as they do, it serves in some manner to sustain and to transport the Throne of God. The periphery is full of eyes—that is, as I suppose, of stars—round about, and, in fine, the Wheel clearly represents either the celestial sphere, or more precisely, the Zodiac. Its fourfold motions express, and were perhaps designed to explain, the diurnal revolution of the heavens, the displacement of the planets in latitude, and their sometimes retrograde course. This

then is the otherwise obscure גלגל of x. 13, and not improbably of Ps. lxxvii. 19, where the rendering of Kimechi is more trustworthy than the speculations of the *Encyclopaedia Biblica* (art. "Wheel"). Were we to suppose each planet provided with a distinct wheel or sphere—האופן בתוך האופן—we should approach very nearly the Ptolemaic astronomy.

"The gods principally worshipped," writes Winckler, "are the moon, the sun, and the five planets. Their periods of revolution mark the divisions of time—month, year, and larger cycles—and compel attention by their importance for the course of natural life (Gen. i. 14, viii. 22). In the Babylonian view of these seven great divinities, the planet Venus is associated with the moon and the sun, so that the three together become rulers of the Zodiac (the *šupuk šame*—i.e. the highway of heaven, along which the seven travel). 'He (Bel) appointed Sin, Šamaš, and Ištar to rule in the Zodiac'" (Art. "Sinai and Horeb," col. 4630).

If Ezekiel accepted the tradition which represented the patriarch as a sojourner in Harran, or, according to the Priestly Code, in Ur of the Chaldees, and, in either case, a client of the god Sin; and if he retained some measure of respect for the myth which, as I suppose, regarded the Moon's disk as the Face or Presence of the Lord of Heaven, we can the better understand why he conceived the celestial Wheel as bearing in its revolutions the divine Throne.

It is interesting, and may prove instructive, to compare with the conceptions of Ezekiel the description, drawn from Philo of Byblos, of the image of El¹, or "Kronos" ascribed to the Egyptian Thoth². I quote Cary's version³:

"But before these things the god Taautus, having represented Ouranos, made types of the countenances of the gods Kronus and Dagon, and the sacred character of the other elements. He contrived also for Kronus the ensign of his royal power, having four eyes in the parts before and in the parts behind, two of them closing as in sleep; and upon the shoulders four wings, two in the act of flying, and two reposing as at rest. And the symbol was, that Kronus whilst he

¹ Cf. Meyer, art. "Phoen.," col. 3743.

² *Taavros*, v. l. *Tauθos*.

³ *Ancient Fragments*, ed. Hodges, 1876, p. 18.

asleep was watching, and reposed whilst he was awake. And in like manner with respect to his wings, that whilst he rested he was flying, yet rested whilst he flew. But to the other gods there were two wings only to each upon his shoulders, to intimate that they flew under the control of Kronus; he had also two wings upon his head, the one for the most governing part, the mind, and one for the sense."

We can hardly fail to recognize in this image of un-sleeping motion, "without haste and without rest," the eternal swift course of the spheres¹.

NOTE.—"Irenaeus, too, finds the rationale for the 'four' gospels in the fact that there are four quarters of the globe and four winds (*πνεύματα*); since, further, the church extends over all the world, while its 'pillars and grounds' and spirit of life (*πνεῦμα ζωῆς*) are the gospel, it is fitting that she should have four pillars breathing out (*πνέοντες*) immortality on every side, and vivifying men afresh." *E. B.* "John, Son of Zebedee," § 49 b. This shows that Irenaeus understood Ezekiel, and (with all deference to Prof. Schmiedel) it is no mere *verbal* trifling, but rests upon the mystical assumption of a correspondence between the outer and inner worlds.

In *J. Q. R.*, XI, p. 13 ("The Testament of Solomon"), Mr. Conybeare cites from Origen an account of "the seven ruling demons" referred to by Celsus, and accepted, it would seem, by the Ophians. The first was shaped like a lion; this is Michael. The second like an ox; this is Suriel. The third resembles a dragon, and this is Raphael. The name may imply a reference to the healing powers of the serpent-god. It is important to observe that the similitude of the dragon replaces the Face of Man in Ezekiel's vision. And the fourth, Gabriel, "has the shape of an eagle."

It is an astonishing reflection that through the influence of Ezekiel and Irenaeus, the Lion of Nergal, successively transferred to the Angel of the South and the Evangelist

¹ Hymn of the Three Archangels in Shelley's translations from *Faust*.

St. Mark, became in the Middle Ages the emblem of the Venetian Republic, and so remained until Venice fell before Napoleon.

Another instructive parallel may be added from Mr. A. B. Cook's most valuable papers on The European Sky-god (*Folk-lore*, vol. XV, p. 425, note 333).

"Lyd. *de mens.*, i. 22 *ὅτι ἔφερον οἱ στρατηγοὶ ἐπὶ τῶν πολέμων Διὸς καὶ Ἥλιου καὶ Σελήνης, Ἑρμοῦ τε καὶ Ἄρεος σύμβολα· καὶ Διὸς μὲν αἰτόν, Ἥλιου δὲ λέοντα, Σελήνης δὲ βούν, Ἄρεος δὲ λύκον, Ἑρμοῦ δὲ δράκοντα.*"

I may add a reference to Hesiod, *Theogonia*, 378-82:—

Ἄστροιφ δ' Ἡὼς ἀνέμους τέκε καρτεροθύμους,
ἀργέστην Ζέφυρον Βορέην τ' αἰψηροκέλευθον
καὶ Νότον, ἐν φιλότῃ θεὰ θεῶ εὐνηθείσα.
τοὺς δὲ μετ' ἄστέρᾳ τίκτ' Ἡοσφόρον Ἡριγένεια
ἄστρο τε λαμπετόωντα, τὰ τ' οὐρανὸς ἔστεφάνωται.

The four quarters of the sky, and the winds associated with them, as well as the stars with which heaven is girdled, may naturally be regarded as children of the "starry" sky—for Ἄστροιφ can only be an epithet of heaven in origin. But the personality, or divinity of the East seems to be merged in that of the morning star—*לילה נא* (Isa. xiv. 12). Hence Dawn is the spouse of Heaven.

I must also refer to Mr. Cook's note on the fourfold Apollo (*F. L.*, XV, 284, n. 147); his mention of the Argive Zeus, surnamed Πανόπτης, with eyes all over his body (*ibid.*, p. 287); his note on the *aenei orbes*, the *urfeta*=*orbita*, and *summanalia* associated with celestial deities in ancient Italy (*F. L.*, XVI, 272, n. 9), and his remarks on the royal, or divine, chariot (*ibid.*, pp. 307, 318).

In the *Hibbert Journal* for October, 1905, No. 13, at p. 220, Dr. Jeremias writes, with reference to the N. T. Apocalypse: "The throne-bearers are the four forms of the *Mercabah* of Ezekiel, which in the old Oriental imagery represent the four corners of the world: (1) the steer (Marduk—Jupiter); (2) the man (Nebo—Mercury); (3) the

eagle (Ninib—Mars); (4) the lion (Nergal—Saturn)." It is certainly appropriate to assign the Face of Man to the God of Speech; and this is in accordance with the words of Lydus, 'Ερμου δὲ δράκοντα, if we recognize that as in the case of the Hebrew Seraphim, and in the symbolism of Ezekiel compared with that of the Ophiani, the human form has replaced that of the Serpent.

GREY HUBERT SKIPWITH.

STUDIES IN THE JEWISH LITURGY.

II. עבר לפני התיבה.

A.

THE technical expression for the second act of the daily congregational prayer is, as can be seen from the previously quoted passage of *Mishna Megilla*, IV, עבר לפני התיבה. The simple meaning of the phrase is quite clear; it signifies the rising from one's seat and the stepping up to the "Teba," the ark containing the rolls of the Law, in order to recite the prayers. But as to the extent and precise nature of this office there has been misapprehension for a thousand years, in fact ever since Western scholars began to study the Jewish Liturgy; and this misunderstanding of the expression has rendered impossible the correct comprehension of the entire liturgical terminology contained in our old sources.

The term is of frequent occurrence in the *Mishna*: *Berakhot*, V, 3: העובר לפני התיבה ומעה; *ibid.*, V, 4: העובר לפני התיבה לא יענה אחר הכהנים אמן; *Erubin*, III, 9: העובר לפני התיבה ביום טוב ראשון של ראש השנה אומ' החליצנו... *Rosh ha-Shana*, IV, 7: העובר לפני התיבה ביום טוב הראשון שלר"ה השני; *Taanit*, I, 2: העובר לפני התיבה ביום טוב האחרון של חג; *ibid.*, II, 5: מעשה... שעבר אחד לפני התיבה וגמר את הברכה כלה; אין עוברין לפני התיבה... פחות; *Megilla*, IV, 3: ולא ענו אחריו אמן; *ibid.*, IV, 5: מעשרה; *ibid.*, IV, 6: קטן... אינו עובר לפני התיבה... פוחח... ואינו עובר; *ibid.*, IV, 8: האומר איני עובר לפני התיבה.

In Babylon it was customary to posit the ark a trifle deeper than the floor of the synagogue, so that it was

necessary to descend a step to it¹. The technical expression for the act in that country was, therefore, *להיכנס לפני התיבה*. In the course of time this phrase passed over even into several passages of some editions of the Mishna. Thus, e.g., we read, *passim*, in *Taanit*, II, 2: *עמדו בתפלה מודידין לפני* התיבה, and in the passage already cited, *Megilla*, IV, 5, 6, in some of the editions, *והוא יורד... אינו יורד*. In the *Tosefta*, the term *יורד* predominates², and it is likewise of very frequent occurrence in the Baraitot of the Babylonian Talmud; but the meaning is always precisely the same. That the change in the wording here is merely occasioned by the difference of local conditions, and that it is useless to seek for a difference in meaning, becomes perfectly clear by comparing parallel passages in several of our old sources. To almost all of the passages in which *יורד* occurs, parallel passages can be found in which *עבר* is used³. In the Palestinian Talmud, *עבר* is invariably used. Where the context permits it, the designation of the place is omitted; both verbs are then used very pithily: e.g. *Shabbat*, 24 b: *אין שלח צבור יורד ערבית ביום טוב*; *Jer. Taan.*, II, 2 (65 c): *מעבירין כל מה שירצו*. Finally it is to be noted that in Babylon *יורד* was occasionally displaced by its Aramaic equivalent *נחת*; cf. *Ber.*, 33 b (*Meg.*, 25 a): *ההוא נחתית קמיה*; *Yoma*, 36 b: *ההוא נחתית קמיה דר' חנינא*; *ibid.*, 56 b: *ההוא נחתית קמיה דרבא*.

In Palestine the Aramaic formula was *אתי עבר חד קומי חזיתא* (*Jer. Ber.*, V, 4 (9 c)); and, pithily, *חזיתא* (*ibid.*) *על חד דיעול*.

The express phrase for removing the precentor was, consequently, in Palestine *העביר*, *Jer. Ber.*, I, 5 (3 d):

¹ Cf. *Ber.*, 10 b: *אל יעמד אדם במקום גבוה ויחזל אלמא במקום נמוך ויחזל*. An examination of *Tosefta Ber.*, III, 17 (p. 7) shows that this dictum is to be applied only to the prayer of the individual. Cf. L. Löw, *Gesammelte Schriften*, IV, p. 33.

² Cf. *Ber.*, II, 9 (p. 4); *Rosh ha Shana*, IV, 5 (p. 212), IV, 12 (p. 214).

³ Cf., e.g., *Ber.*, 34 a, and *Mechilla*, ed. Friedmann, p. 45 b. Even to *Taan.*, 16 a, which has *מודידין* everywhere, the Siddur Amram quotes *והעבירין לפני התיבה* (p. 35 a).

מַעֲשֵׂה בְּאֶחָד שֶׁזָּחָה יוֹתֵר מֵדָאִי הָעֵבִירָו ר' ¹; and in Babylon טַעַה בְּבִרְכַּת הַמִּינִים מַעֲלָן אוֹתוֹ *Ber.*, 29 a: חֶעֱלָה.

Now if we inquire into the meaning of the expression "to step up before the Teba," and into the precise extent of the prayers which were recited there, we are informed by all our sources and authorities—commentaries and translations, lexicons and archaeologies, are all in remarkable agreement with regard to this point ²—that this expression is absolutely identical with "reciting the prayers aloud," and that it is used to designate all the functions which gathered in time about the office of the precentor. A general expression of this kind is not to be found in the older writings concerning the liturgy; there we find that every act and portion has each its own particular designation expressing its peculiar character. Moreover, it is to be considered that the accepted meaning of the expression agrees very well with the age of its interpreters, but by no means with the usages in vogue in the oldest religious service known to us. At that time the precentor stepped up to the ark at the moment when the "Tefilla" had to be recited aloud; it is for this reason that the expression *לפני התיבה עבר (ירד)* in the Talmud—no matter how much usage in the divine service may have altered during this period—has invariably the following meaning: to read aloud the Tefilla, i.e. that particular prayer which we erroneously designate the Shemone Esre.

All of the passages of the Mishna which we have previously quoted deal with this prayer. The key, however, to the explanation of the terminology is given us by the following passage: *אמר רבא יום טוב שחל להיות בשבת שליו*

¹ For the text cf. Ratner's *ירושלים*, p. 29. According to this the term *העביר* denoted in Palestine both to send up a precentor as well as to remove him.

² The latest commentator in whom I find the correct conception is R. Hananel to *Meg.*, 24 b, where, however, the text is not well preserved. The oldest author who employs the false terminology is, as far as I can see, Isaac ibn Gilyat in *הלכות*, ed. Bamberger, p. 61.

צבור היורד לפני החיבה ערבית אינו צריך להזכיר של יום טוב שאלמלא שבת אין עליה צבור יורד ערבית ביום טוב (*Shabbat*, 24 b).

What is meant by this account? In the oldest times there was no public worship in the evening; in the period of the Amoraim, however, it had already been introduced. In the evening services the "Tefilla" was spoken only softly; it was not repeated again by the precentor, with the single exception of Friday evening—an arrangement in favour of those who lived too far away, and who might very naturally come too late. Here the purpose in view was to prolong the services as much as possible. Nevertheless, the seven benedictions of the "Tefilla" were united in the repetition into one (ברכה אחת מעין שבע). On holidays, when punctuality was more the order of the day, the repetition was omitted; it was for this reason that Raba decided that the wording of those prayers on a holiday which fell on a Sabbath should be exactly the same as that of the ordinary Sabbath, no regard being paid to the holiday. His arrangement is still in force in the synagogues of all rites up to our own day.

The expression which Raba employs to designate the repetition of the "Tefilla" is לפני החיבה ערבית. And particularly instructive for us is the reason he adduces: שאלמלא שבת אין עליה צבור יורד לפני החיבה ערבית ביום טוב. "If it were not the Sabbath, there would be no precentor to step up to the Teba on the eve of Yom Tob." What other function can here be meant? The remainder of the Maaribh prayer, the portions grouped about the Shema, and the Tefilla that must be softly spoken, are, as far as the form goes, the same for all days of the year. The difference between Sabbath eves and all other evenings consists exactly in this repetition of the "Tefilla," and that is called by the Amorite Raba in the fourth century, עליה צבור יורד לפני החיבה.

In the Gaonic period the original meaning of the phrase was thoroughly clear. Among the rules for divine service on the eve of the Day of Atonement, we find the following

passage in the Siddur of the Gaon Amram: ולאחר שמימיין הצבור תפלת ודי אן שמ ירדת שלח צבור לפני התיבה אלא כסדר שבן ראש השנה ליום כבוד לעמוד ולסדר סליחות ודברי תחנון ובקשה (*Amram*, 47 b). The meaning is quite manifest: exactly as is still the custom in our synagogues to-day, "Selihot" should be recited after the softly spoken Tefilla with the confession of sins. But by whom? Of course by a precentor "standing before the Teba"; this was exactly the same in Amram's time (ca. 880 C.E.) as in our own; but this is never designated לפני התיבה ש"צ, for this expression is used exclusively to denote the repetition of the "Tefilla." Such a repetition occurs in an evening service only in the case of the Sabbath, and thus our text very logically goes on as follows: אבל יום הכפורים שחל להיות בשבת לאחר סיום תפלת לחש יורד שלח צבור ואומ' ויכלו ומנן אבות כסדר כל שבת ושבת (*ibid.*).

Granting these preliminary remarks, it is clear that our entire conception of the Talmudic terminology in matters of religious services, as it has been accepted up to the present, must be revised. עבר (ירד) לפני התיבה does not mean to recite the prayers in a general sense; it is exclusively applied to denote "the reading of the loud Tefilla." In the oldest times, when only the latter was known, its general meaning is simply "to read the Tefilla in the congregation services." The technical term for the prayer of the individual, or for the softly spoken Tefilla of the congregation, was התפלל, Aramaic צל. And thus, to translate these verbs and their derivatives, e.g. תפלה, תפלה, with "pray, prayer, &c." is inaccurate; they are used in contrast to קריאת שמע, and mean only "to pray the Tefilla." The terminology is thoroughly correct and logical; quite as logical, one might likewise say, is also the misconception by which its meaning has for a thousand years been obscured. Once the expression is correctly understood, an altogether new light is thrown upon our sources. Thus, for example, it is only now that we understand why,

in the *Mishna Megilla*, לפני התיבה (ירד) stands after פרס על שמע, but before ברכת כהנים. Likewise it is only now that we can estimate Amram's regulations in their full sharpness and precision. Concerning the Tefilla of the congregation, he says (7 b) ועומדין בתפלה ומתפללין; concerning the repetition, (10 b) וסדר תפלת שליה צבור היוורד לפני התיבה; with regard to the Sabbath services (25 a) ועומד ולאחר שמתפללין תפלת לחישה יורד שליה צבור (25 b), בתפלה ואומר ומתפללין בלחש 28 a; ואומר קדשתא שהיא אחת מעין שבע ועומדין 29 b; ואומר . . . ויורד שליה צבור לפני התיבה ואומר; ושליח צבור יורד לפני התיבה ואומר 30 a, בתפלת מוסף; for the 9th of Ab, (43 b) וזו התפלה שמתפללין ערבית ושחרית ובמנחה; ובשחרית יורד שליה צבור ומתפלל ככל התענית; for the New Year, (46 a) ועומדין בתפלת מוסף ומתפללין . . . ויורד ש"צ לפני התיבה ואומר; for the Day of Atonement, (47 b) זו היא תפלת יחיד ויורד שליה צבור ואומר במנן ומחיה והמלך הקדוש מעמד שיש בו רצון וסליחות. Cf. 48 b and 49 a for the remaining prayers of Yom Kippur. In contrast to this, attention must be called to his wording when no repetition of the Tefilla occurs: (31 a) ובמנצאי שבת עומד שליה צבור ופותח והוא רחום ומסדר התפלה כסדר ולאחר שמסיימן לחג שבועות מעריב . . . ועומדין (43 a); and הצבור תפלתן מקדש בתפלה ומתפללין.

B.

The phrase לפני התיבה עבר owes its birth to the circumstance that a precentor stepped up to the reading-desk only when the Tefilla had to be recited. Till that moment the congregation was seated; at the Tefilla it arose¹; hence . . . אין עומדין להתפלל אלא . . . *Ber.*, V, 1. The Midrash regards the permission to utter the Shema sitting as a very considerable favour. The Mishna gives a poorly clad man the right to recite the Shema, because he can then remain sitting among the other worshippers; but it forbids his

¹ The Jews of Yemen maintain the custom of sitting on the ground during prayer up to the present day, cf. *Ibn Sappir*, I, 57 b.

stepping up to the Teba, because his appearance would lower the dignity of the congregation¹. After the "Perisat Shema" was over, the president of the congregation addressed one of the worshippers with *לפני התיבה*², or with *בוא וקרב*³. The member thus addressed was forced very often to refuse the honour, because of his inability to recite the prayer from memory—*לינא חכם* answered Eleazar Hisma. As a rule, only such people were resorted to as had the appearance of possessing a certain amount of education⁴. It was regarded a sign of modesty and good breeding to refuse the honour at first, to wait for a second or a third request; it was, however, likewise unmannerly to persist obstinately in one's refusal, and so leave the congregation in a fix⁵. On ordinary days only one man stepped up to the Teba to read; on fast-days, however, two members of the congregation stood by the precentor's side, one to his right and one to his left⁶. *אין פוחתין משלשה בני אדם עוברין לפני התיבה בתענית צבור*. Later writings have interpreted this ordinance as binding for every day of the year, but this erroneous assumption is to be referred merely to the false reading of the text just quoted⁷. In Italian and Sephardic congregations, the custom has maintained itself up to our own day of having two members of the congregation stand by the side of the precentor on the Day of Atonement.

The "stepping up to the Teba" and the recital of the Tefilla constituted a totally new element in the divine

¹ *J. Q. R.*, XVIII, 597.

² *Lev. rab.*, p. 23; *J. Q. R.*, XVIII, 590.

³ *Jer. Ber.*, IV, 4 (8 b). The request *בוא והתפלל* is there declared to be false, and justly; for *התפלל* can only be applied to the prayer of the individual, whereas here the reciting aloud before the Teba is meant.

⁴ *המזמיר בנביא* . . . הוא עובר לפני התיבה; cf. *J. Q. R.*, XVIII, 599.

⁵ *C. Ber.*, 34 a; *Jer.*, V, 3 (9 c) *ומיעושן רובן ומיעושן* א"ר יהושע ורומא שלשה דברים רובן ומיעושן רצו וביטולן יפה השאיר והמלה והמחזק.

⁶ *Mechilta*, Amalek I, towards the end (ed. Friedmann, 54 b); *Pesikta*, ed. Buber, 22 a.

⁷ *Mas. Sof'rim*, XIV, 14: *וכדא בו אית מן המובדל שיצטרף החזן לפני התיבה*; *Mas. Sof'rim*, XIV, 14: *וכדא בו אית מן המובדל שיצטרף החזן לפני התיבה*. Cf. *Pirke de R. El.*, cap. 44.

service, and stood in no relation whatsoever to what preceded. The precentor of the Tefilla and that of the Shema were two different persons; and when there were several Tefillot for the same day, there were as many precentors¹. The Tefilla as a congregational prayer is considerably younger than the institution of divine services in general; likewise younger than the reading of the Shema. Sufficient evidence in proof of this can be readily found in the Talmud. In point of worth, it is regarded as much inferior to the Shema. While the recital of the Shema was looked upon as a Biblical injunction, the Tefilla was not regarded as such. Now if the great number of Biblical analogies which can be cited² for our prayer are examined, it will be seen that it would have been very easy to find some passage in Scripture on which to base the usage. A certain definite hour is enjoined for the reading of the Shema (עֵת קְרִיאַת שְׁמָע), which must be strictly observed; neither study, nor attendance upon communal affairs, nor the duties of piety, relieve one from this obligation, whereas any of these occupations was sufficient to absolve one from the Tefilla³. The conflicting traditions as to the origin of the Tefilla are well known; it was very long in the making, and its extent and precise wording had not yet acquired fixed form. All these facts militated against its getting to be regarded as an old and inviolable institution.

This view of the matter enables us to grasp the meaning of an ordinance in the Talmud, which, on first sight, certainly appears quite remarkable and difficult in its way. Both Talmuds regard it as an act of great importance that the Tefilla should follow directly upon the Shema, and the highest rewards of Heaven are promised to him, who, without the slightest interruption, recites the Tefilla directly after the Geulla⁴. Whence this agitated apprehension as

¹ *Rosh ha-Shana*, IV, 7; *Taanit*, I, 2.

² Cf., e. g., *Mechilta*, ed. Friedmann, p. 28 a, ed. Hoffmann, p. 45.

³ *Berakhot*, 16 a; *Tosefta*, II, 6-11, p. 3 f.

⁴ *Ber.*, 9 b; *jer.* I, 1 (2 d): הִכָּף לְנִאֻלָּה חֲסִילָה; . . . בִּלְהוֹסֶךְ נִאֻלָּה לְחֲסִילָה.

to a pause? Wherefore this extraordinary estimation of an act so seemingly trifling? The answer is to be found in a Baraita, which, more serious than the naïve statements of the Amoraim, runs as follows: אין אומרים דבר אחר אמת ויציב: אבל אומרין דברים אחר תפלה אפי' סדר ידיו של יום הכפורים (*Tos. Ber.*, III, 6, p. 6). In order to comprehend this statement, it is necessary to enter upon the subject somewhat more afield.

Our text touches here upon one of the most vital problems in the entire domain of religious worship; a problem which, curiously enough, seems to have entirely passed unnoticed in the study of the Jewish Liturgy—namely, the prayer of the individual. Every true prayer is originally and above all something individual, personal, the expression of the feeling and of the yearning of a certain person at a certain moment. On the other hand, no true religion can do without congregational services, for this is the open expression of its very being and of its doctrine, as well as a criterion of its worth. Personal prayers are as various and manifold as are the temperament, the situation, and the particular wishes of the individual in question; from an objective point of view, they are not always religious and moral, no matter with what glow and depth of feeling they are uttered; and, finally, conflicts between the desires of different worshippers are not to be avoided. Thus a very difficult situation arises. The congregation cannot take all the subjective desires of the individual into consideration: the individual cannot rest satisfied with the quite general content of the congregational prayer. To obtain a satisfactory solution of this problem is the task of all religions, if these are not minded to subvert the foundations of all genuine religiousness. Well, how did Judaism solve this problem? If we seek the answer among the modern theologians, we learn that the Jewish religion in the period coeval with the New Testament had become thoroughly externalized and hardened; that prayer had become so stiffened and formalized by all sorts of iron-

bound rules and regulations, that there was no room left at all for true personal religiousness¹. Had the critics of the "religionsgeschichtliche Schule" made more of an effort to acquire a juster and deeper acquaintance with the history of the Jewish religion, and entered upon its study with less of a preconceived, prejudiced condemnation of it, they would surely have been more careful than to utter such an absurdity with regard to that religion which was the first to introduce the "religious worship of the heart," a regular prayer-ritual without sacrifices and without images. Judaism met the perplexity by granting the individual the opportunity, after the close of the congregational worship, of giving utterance to his personal longings and personal desires. It was a quiet prayer, for which neither form nor content was prescribed; the whole was entirely left to the pleasure and the mood of the worshipper. These are the *דברים* "words" of which our authority speaks; this is the prayer that later received the name *תחנון* or *תחנונים* "supplication,"—a prayer that could be lengthened out according to the worshipper's wish, as long as the longest prayer then known, namely, the Confession on the Day of Atonement.

The liturgy of the congregational services passed through many stages of development, and our Baraita here makes us acquainted with one of these. In the very oldest times the prayer in public consisted merely of the confession of faith, the epilogue of which was *אמן ויציב*. At that time the individual could exercise his private devotions immediately after the *אמן ויציב*. But now the Tefilla was introduced, and the congregational prayers thus lengthened, private petitions had to be therefore postponed to the end of the Tefilla. It is well known that religious customs are very long-lived, and that once grown up they are hard to obliterate. Thus, the exercise of one's private devotions after the "Perisat Shema" was a deeply rooted custom, and

¹ Schürer, *Geschichte*, II³, 486; Bousset, *Die Religion des Judentums*, p. 156.

it was only after violent opposition that it could be overcome. This explains the energetic emphasis laid upon the necessity of praying the Geulla and the Tefilla immediately after each other, as well as the high religious worth ascribed to an act, the real religious value of which is very questionable.

This is a further proof of our assumption that the Tefilla is a later element in the divine service, and we understand how it is that a new usage was created with its recital. The prayer was now spoken by a new precentor, before unknown. He stepped forth from the midst of the worshippers up to the Teba, and recited the various petitions; the congregation listened in silence, and, at the close of each, joined in with Amen.

C.

With the introduction of the "Tefilla," petitions appeared for the first time in the Jewish ritual. In the oldest liturgies great care had been taken to preserve the individual character and content of each portion of the ritual, and to keep it strictly within its own confines. The "Perisat Shema" was devoted to the confession of faith, the Tefilla was now employed to embody the petitions. It is indeed true that the Tefilla did not contain petitions exclusively. In its form it was closely akin to the prayers preserved in the Bible, like those, e.g., scattered through the Psalms, in Daniel, Nehemiah, and the Chronicles. The typical architecture of one of these "normal prayers" is the following: by way of preamble a hymn is intoned, the present sorrow and suffering are then recounted, mention is made of the sinfulness of the times, and finally an appeal for help and succour is uttered, and thanks rendered, in anticipation, for the divine protection. The "Tefilla" is

built up exactly according to this pattern: hymn and thanks at the beginning and end respectively, the petitions occupying the middle. The outward pieces are as old as the oldest traditions concerning the Tefilla¹; the middle sections, or body of the prayer, were long in the making, their number increasing with time, their contents swelling in size, and the last finishing stage being attained only after a long period of development. As a result of this fluctuation, the former were regarded as fixed and unalterable, whereas the middle portions could make no claim in the popular estimate to immutability or inviolability, to any fixed wording or determined sequence². It is well known that in the Amoraic epoch the attempt was also made to demonstrate a well-planned sequence in the middle section too, but all such proofs are readily seen to be far-fetched. The only possibility of a reasonable account of the Tefilla in its final shape, is offered us solely by an historical survey of its gradual growth. For, although the development of the Tefilla began at a relatively late period, and lasted long, we must keep in mind the fact that the history of its contents and its general shape was, on the whole, completed quite early. The "Tefilla" for the Sabbath and holidays had assumed its present shape as early as the days of Bet Shammai and Bet Hillel; that for week-days received its final alteration about the year 100 C. E.

The only alteration of a later date is the division of the fourteenth benediction, which was made in Babylon in the third century. This change has been accepted by all rites to-day; but up to the year 1000 it was *not* accepted.

Rapoport's studies in this field have made it clear that Kalir's Kerobot are acquainted only with the eulogy *אלהי דוד ובונה ירושלים*; the Cairo Genizah has brought to light numerous other Kerobot for all sorts of occasions, all of which, without exception, follow Kalir in this point,

¹ *Tamid*, V, 1.

² *b. Ber.*, 34 a: *אמציאית אין לזן סוד*; cf. *jer.*, V, 4 (90).

and prove conclusively that in Egypt, the land of early Palestinian traditions, the old Palestinian Tefilla was in sway up to quite a late date.

It is only the wording of the individual benedictions that has changed; and in view of the numerous misconceptions on the part of strangers and opponents of our Tefilla, too much emphasis cannot be laid upon the saying of R. David Abudraham, that, namely, there cannot be the slightest question of a final and decisive redaction of the text of the Tefilla, and "that there are no two communities in the world employing precisely the same text." I have dealt with the difference in the traditions and with the most important variations in the wording, in my *Geschichte des Achtzehngebets*¹. But herewith "I do remember my faults this day": the very important text of the Palestinian Tefilla, which was published by Schechter² and Dalman³, escaped my notice; I shall therefore insert here some supplementary remarks of a more general nature.

The criteria which bespeak the Palestinian origin of this Tefilla have already been brought out by Prof. Schechter. It is likewise true that the form in which it lies before us now, is much older than any of those known up to the present. For example, the much more frequent usage of the exact wording of the Bible is very significant of this. In the first benediction we find *אל עליו קנה שמים וארץ*, borrowed from Gen. xiv. 9. The fifth contains but the single Bible verse, Lam. v. 22; the sixth has *מחה והעבר*, which shows clearly the influence of Ps. li. 3-5; in the seventh and tenth, besides the Bible verses that are used, the additions of the current text are lacking; the twelfth has at the close *ימחו מספר*, Ps. lxxix. 29; the eighteenth closes with *אם אמרו*, Ps. xciv. 18, or, according to another version, *מטה רגלנו וכו'*, Ps. xxxi. 20. Rather striking,

¹ *Geschichte des Achtzehngebets*, Breslau, 1903, pp. 49 ff.

² *J. Q. R.*, X, 654 ff.

³ *Die Worte Jesu*, p. 299 ff.

however, is the fact that the eighth benediction, רמנא, which in our current text follows the Bible, is here somewhat differently worded.

Its priority to the current text is furthermore confirmed by the style. The third benediction, קדוש אתה ונורא שמך, is the old Palestinian version (= *Sifre Dt.* § 343); in the fourth, the first sentence, אתה חונן, is justly omitted, only the petition being present and prettily grouped in two parallel members. The twelfth, ברכת המינים, begins, exactly as it was quoted quite up to the close of the Middle Ages, with ולמשומרים, and contains in the middle that which we have been led to expect from the quotations of the Church Fathers: מונצרים. The thirteenth is conspicuous by its brevity; the absence of וקנים, however, which the old sources require, is striking. The wording of רחם in the fourteenth deserves the preference, if nothing but for its analogy with other prayers. The עבודה is that of the Palestinian Midrash Vayyikra Rabba; the setting of the last three pieces is much shorter and more succinct than that of our texts. Finally, it may be noted as of interest that in the first benediction וטובא וטובא is not yet present.

Nearly all the pieces show great brevity; many consist of merely two semi-distiches, and most of them have eulogies of but two words, and it would not be so very difficult to reduce the few eulogies consisting of three words to such of two. Is Prof. Joseph Dérenbourg's hypothesis concerning the original form of the Tefilla thus confirmed? Prof. Dalman has accepted it, and has made the attempt of eliminating the later elements out of the text. I cannot, however, withdraw my objection to this theory, and would warn against too elaborate pedantry in the treatment of an old prayer, especially as it did not take its rise at any one particular time and was never definitely edited. Thus, for example, מקבץ נדחי ישראל is so well attested by the Bible, by quotations, and by MSS., that all formal rules of criticism fail on being applied to such an example.

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וישפטו עמך בצדק וענייך באמתה, which follows Ps. lxxii. 2, but is otherwise nowhere to be met with. In short, the more texts we examine the more assured becomes the fact that the text of the Tefilla has been dealt with somewhat arbitrarily, that copyists and precentors introduced changes of their own. Here allowance must be made for the warm imagination and the emotional temperament of the Palestinian Jews, who welcomed a change in the prayer, were relieved by variety, and would not have the same routine text day after day.

It is for this reason that in Palestine the Tefilla was supplemented and enlarged by *Kerobot*, with the enormous number of which we are acquainted only through the Genizah fragments. It seems that for each Sidra of the triennial cycle, *Kerobot* were composed, which were recited on the workdays of the week in question; not to mention those composed for particular occasions, such as מילה, ראש חדש, ר"ה לאילנות, &c. Furthermore, they did not hesitate in the slightest to displace portions of the Tefilla itself by more poetic elaborations. In my *Geschichte des Achtzehngebets*, p. 47, I have cited the fragments of an alphabetic abbreviation; the piece existed quite complete, and is preserved in a Genizah fragment at Cambridge. I here quote another similar fragment, a poetical diffused elaboration of the Tefilla¹.

יִצְחָק
[ברוך אתה יי] אלהינו ואלהי אבותינו אלהי אברהם ואלהי
ואלהי
יעקוב האל הגדול הניביר והנורא אל עליון קונה
שמים וארץ וארץ תניל בו בא ובתרועת מלך בו
מנין הוא לכל החסים בו ברוך אתה יי מנין אברהם
אברהם כנמת היו יהיה ונקוביו בנשם תחייה יי ממי
ומחייה ברוך אתה יי מחייה המתים המתים תעורר

¹ Fragment from T-S. collection, Box H 10, University Library, Cambridge. 18 x 17 cm. Square writing, rather rough. I owe the copy of the text to the kindness of Mr. Ernest J. Worman.

. שכיבה וקול דודי הגה זה בא אל נערץ בסוד קדשים^{רבה}
 ברוך אתה יי האל הַק הקדוש למראש אמנה
 ומימינו אש דת נתנה מפיו דעת ותבונה ברוך אתה
 חונן הדעת הַי בימביני חצובים מיני אלפים
 ומיני רבבים שובו בנים שובבים ברוך אתה יי הרצון
 בַת, בתשובה קביל עד דיהא למשכּם תחתיד
 כנמת (סלחתי?) כידברך ברוך אתה יי^ה

The question of the Piyut in the Tefilla is as yet far from being settled. Very many texts and readings will have to be published before we can come to a definite decision.

I. ELBOGEN.

FORMS OF ADDRESS IN GENIZAH LETTERS.

As there has probably been no larger field from which to glean information as to the mode of addressing letters than the spoils of the Cairo Genizah, it seems a favourable occasion for comparing and grouping such addresses in order to show the most usual forms.

Of course the direction had very little need of minuteness of description, as the methods of transmission would be largely by travelling friends or servants. Thus the name of the addressee with, or even without, the place of destination, was often considered ample. On the other hand, very frequently the names both of the sender and of the receiver are only to be obtained from this address.

There is no evidence, naturally, as to how letters were carried, whether in wallets or otherwise; we can only see how they were folded for transit.

Now this, in the letters which have been examined for the present purpose, appears to have had fairly uniform treatment, influenced no doubt by the ordinary length of the address.

If the letter only filled one side of the paper, when that was finished the scribe began at the foot of the leaf and doubled the writing horizontally inwards at intervals of about an inch or an inch and a half if he were a tidy writer—if not, rather more—until he came to the top. Then he would not write the address on the free strip at the top (verso), but turned the packet over and wrote on the *second* outside fold where it was quite firm. The top strip would naturally spring under the reed, and so make clear writing impossible.

This narrow, flattened scroll was also apparently doubled once sideways, as there is always a crease down the middle of the letter, which divides the address into two parts. When therefore it is properly folded, and the address is finished, it will be found that the name and full titles of the addressee are on the first side, while those of the sender appear on the other, accompanied by the town to which the letter is to go, if it is mentioned at all. Of course, it could not have kept folded in this manner without help; so that possibly a strand of hemp was threaded through the middle and the ends tied together. The address is mostly the same way up as the letter itself, whether the writer has more than filled the first side or not, but sometimes it appears bottom upwards. The plan of a long letter is: (1) the first side beginning a varying distance from the top, but always leaving some space, and having also a blank margin on the right of about an inch; when that is filled the paper is turned side-ways, and (2) this side margin is filled generally with oblique lines of writing, but occasionally with two lines all along; after which the sheet is turned top to bottom, and (3) the head margin is filled with short lines vertical to the beginning of the letter, or by horizontal lines. Then the paper is turned over, and (4) the writer continues on the verso, mostly bottom upwards with regard to the first side.

One finds among the Genizah documents Hebrew or Aramaic letters, and Hebrew-Arabic, with addresses in all kinds of Hebrew and Arabic script. Sometimes Arabic addresses are given in both Hebrew and Arabic characters; generally two lines quite across the sheet being occupied, whatever writing is used. It is noticeable that letters exclusively in Aramaic very frequently have no separate address, but include in their exordium the actual names both of the sender and the addressee.

Occasionally, on the other hand, though the letter is evidently complete, neither writer nor recipient is named, nor is there any direction on the verso. One may suppose

that all these were entrusted to friends or servants, or at any rate to Jews who were travelling the whole journey. There is scarcely ever a date, so that the only means of ascertaining the period to which the letter belongs is by finding the persons mentioned therein in some dated documents. Sometimes a month, and even a day, will be mentioned, but hardly ever the year.

I¹. One exception is the important letter containing a decision of Mašliach the ראש, mentioned by Professor Bacher in this REVIEW². This has upon it שבט אחמב (Shebat 1442 = 1131 A.D.) and the place from which it is dated צוען מצרים (= Fustāt). The letter is written to a certain R. Abraham at Malij³, and deals with a document which had been drawn up at that place (א שטר חוב probably) between סעדיה בן אברהם and שלח בן הלוי. Mašliach there speaks of himself as ראש ישיבת. נאמן יעקב ביר שלמה הכהן ר'צ'נ' בן אליהו הכהן ר'צ'נ' נין שלמה הכהן ר'צ'נ' נוע יהוסף הכהן בית דין כהן צדק . . . [הכהן] הראש קדוש י' זקל.

II⁴. Another of those bearing a date is mostly in Arabic, but in common with very many others has the preliminary matter in Hebrew. It purports to come מאתהם יוסף הדין, and is directed ללשך ביר יעקב הדין ביר [עלי?], זכר צדיק לברכה, יוסף ולולדה אבו אלברכאת: the date is שנת אחעו (= A.D. 1165), and among the persons greeted are אלשך אבו אלפרז אלבראדי, אלשך אלוזליל מ' ו' בנימין החבר, מ' ו' עזרא הדין, משה ראש הקהל, which last seems likely to be Maimonides.

III⁵. A third letter with a date, which may be the time of writing, is from מימון הכהן ביר אדונים נעביר יאשיה זלל, סעדיה ביר אלעזר ננ, and speaks of Iyar 4876 (= Apr.-May, 1116 A.D.); the writer had gone from Alexandria to Spain,

¹ T-S. 24. 26.

² vol. XV, p. 94.

³ מליי = ملج, a town on the Nile. See p. 729, note 1.

⁴ Abiathar, who appears elsewhere between two periods of Elihu, does not figure in Mašliach's ancestors. See Poznanski in *R. É. J.*, Jan. 1906, and Bacher in *J. Q. R.*, XV, p. 79, &c.

⁵ T-S. 24. 60.

⁶ T-S. 24. 77.

by the ship of אלצלמאן נצרה אללה (Captain Nazru'llah), and perhaps the letter is written from Spain; it is in Arabic, and neither of the people has been noted elsewhere as yet.

IV¹. There is also an instance of the date א״ר א״ה (=1094 A.D.), which occurs upon a Hebrew letter from ברך ברבי יצחק (of Palestine) to יוסף בר שמואל, which is directed to נسطאט מר at אבי יעקוב יוסף בן סמואל. Another example, mentioned later², is sent from Askelon in 1112 A.D.

V³. One case has been found of a note of the date when a letter was received:—

ועל האדא אלכתאב פי יום אלחלאתא אול ניסאן והו רביע אלאול
פי סנת תסע ותמאנין

This is written in thick black writing just below the address, which is in a Spanish Rabbinic hand, from אבוי יצחק אברהם בן ראור אלרחבי בן נסים בן יצחק. The date that nearest agrees with this record is the year A.M. 4789 (=1029 A.D.), when Tuesday, March 18, was the 1st Nisan, and Rabi'u 'l-awwal began on Thursday, March 20.

Let us take first the specimens of letters in Aramaic; these seem generally to be connected with a congregation or an important personage in the community, although the leaders by no means limited themselves to their own language. We begin with several letters of two ראשי הישיבה, Solomon ben Jehuda who died in 1047 A.D., and his son Joseph who died in 1054⁴.

VI⁵.

תיבל בשוש ונאל ליקר האהובים כנן מר [ור] אזהבם שלמה בר יהודה ראש
אברהם הח' והנ' בר סהלאן ומ' שערב

VII⁶.

לכבוד גדולת קדושת מרנא ורבנא	תיבל בשוש ובשמה תניע
המיוקר בן כב קר' מר ור יצחק	יעקוב החבר היקר המכובד
ישמרהו קדוש יעקוב לגאול בילם	בית דין רוח יי תניחהרו
עברו יעקב'	

¹ T-S. 20. 141.

² See No. LXXVI, p. 741.

³ T-S. Ar. Box 64⁵.

⁴ For these two Gaons see Prof. Bacher, *J. Q. R.*, XV, p. 84.

⁵ T-S. 13 J 16¹⁴.

⁶ T-S. 13 J 16²⁴.

The former is signed in the margin of the letter on the recto, *יוסף הכהן החכר*; *שלמה ה' ברבי יהודה ז'*; the latter has *יוסף הכהן החכר* as signature, *מכ' (= מנחמו כבוד)*¹ showing that it was after the decease of Solomon.

The name of the second person to whom Solomon's letter was addressed is torn away.

It will be seen that his direction follows the general custom mentioned above, and contains the names of the addressees in two lines on the first half, and his own name on the other; whereas that of his son runs the lines straight across, allowing plenty of room for the doubling, and dispensing with his own name entirely.

VIII². Other letters of Solomon occur, one of which has no address and is signed *שלמה ה' ראש ישיבת גאון יעקב*, appearing to be written to a *בר יפת*, probably dwelling at Ramleh; in it he salutes his friend the head of the congregation, Abraham, doubtless the *אברהם בר סהלאן* addressed in the first letter, No. VI, above.

IX⁴. Another letter to this Abraham also exists, but imperfect, with only part of the direction remaining:—

... *ר' אברהם* ... [תנ]צנה *אוחבו שלם* ...

Solomon says he has received a letter from *יהיה* (possibly Abraham's son), from Baghdad, with a letter of *אדונינו גאון הא"י*; *יהיה* tells him that he sits and reads *הלכות גדולות*⁵ before the Gaon.

X⁶. A letter written while Solomon was still Ab only, signed *שלמה אב הישיבה ברבי יהודה*, speaks of himself and the court as *מורשינו שארית קהל עיר הקדש*, and says that as some one was going to Egypt, the Jerusalem congregation seized the opportunity of sending a letter *אל קהלות ציון* to the congregations, that is, of Fustât. This fragment of

¹ See Zunz, *Zur Gesch. u. Lit.*, I, p. 457.

² T-S. 13 J 15¹¹.

³ This *ברבי*, standing for *ברבי יהודה*, is mostly used by him.

⁴ T-S. 13 J 13¹⁴.

⁵ Perhaps meaning the compilation of Joseph Tob Elem from *Hal. G.* and *Hal. Pesikoth*, which was made about A. D. 1040.

⁶ T-S. 12. 80.

what was once a long private letter from Solomon was taken doubtless by the same messenger.

Some are addressed in Arabic script; one to the same Abraham as before runs thus:—

XI¹.

لسيدى و نسبى ابى اشحق ابراهيم للبر بن
سهلان المعرف بابن سساط اطلال الله
بقاه و ادام ...
من سلوموراس المتبته بن يهودا
بالفسطاط ... ان شا الله

“Shelomo” seems a phonetic transliteration here.

Although the address is Arabic, the letter is in Hebrew, and speaks of the approaching journey of Solomon's son to *Fustāt* (צותן מצרים). He also solemnly promises to pay some money to the *ירושלמים*, to the last farthing (האחרונה) if the Creator is merciful.

XII². Another, signed *שיבת צבי ברבי*, is addressed:—

لسيدى الماير ابى كثير افرام محفرط
من سلومو بن يهودا راس المتبته
الفسطاط ان شا الله

This Ephraim is spoken of inside as *צנץ* *שיבת צבי*. מז' וז' אפרים החבר בסנהדרי גדולה בר שמריה הנלצנה. The writer mentions a letter he has received from *עיר הקודש*, written in the *הגרי* (“Hijri”) language, and also a question from *Ramleh*; therefore it would appear that Solomon was away from these cities at the time.

XIII³. Another letter of his to the same Ephraim is addressed in Hebrew characters:—

ליקר פאר חברנו ואהובינו כז' נד' קד'
ברבי שמריה המלמד נחו ערן
מרנא ורז' אפרים החבר ישמרו צורנו
ישע רב

This is signed as No. VIII above, and speaks of the writer as *עיר קודש*.

XIV⁴. With this may be compared the letter printed in

¹ T-S. 16. 275.

² T-S. 20. 181.

³ T-S. 13 J 9².

⁴ T-S. 20. 102; other letters of Solomon b. Judah are one to the same Ephraim, in Hebrew, mentioned below (No. XXII, p. 729); also two, T-S. 13 J 11^{6, 7}.

Dr. Schechter's "Saadyana" (in this REVIEW, vol. XIV, p. 481, No. XLII), which is from Solomon to the same Ephraim, although, owing to the fragmentary state of the beginning of the letter and the address on the verso, it has been assigned to a different writer and recipient. The address runs almost as No. XIII:—

ליקר פאר חברנו ויקירנו כִּנֵּק מִי וְרַב אַמְרִים הַחֲבֵר בְּכֵן גְּדוּלָּה
יִשְׁמְרֵהוּ קִדְשֵׁנוּ וַיִּנְצְרֵהוּ מִשְׁנַבְנוּ בְּרַבִּי שְׁמֹר־[יָהּ הַמְּלָמֵד]
יֵשַׁע ר[ב]

We may notice that the place of destination is omitted in the Hebrew address; also the lines of this latter address run straight across the fold in contrast to those of No. XIII.

XV¹. Another from the same to the same begins as both the foregoing:—

ליקר פאר כִּנֵּק מִי וְרַב אַמְרִים אַהֲבֵוּ בֵּן כִּבֵּץ קָמָה וְרַב שְׁמֵרִיָּה נֵנֵק
הַמַּעֲלָה יְהִי צוֹר עֲזָרוֹ וְעַל

This is sent by Solomon from Jerusalem by the hand of ²הַרְיוּקִי which the brethren of Egypt have sent and also 29½ zahobim by ³מִבְּשֵׁר. They have asked him to take from the ⁴דְּיוּקִי 20 zahobim for the debt which is upon them for the year. This is signed as No. VIII above.

XVI³. Solomon also addressed an Aramaic letter to ⁴אֶהְרֵן about a certain ⁵מְבֹשֶׁר בֵּן אֶהְרֵן and his two younger brothers ⁶מֶשֶׁה and ⁷יִצְחָק and their portions. This is addressed in Arabic characters on the verso. In all, up to the present, fourteen letters of this Gaon are found in the Cambridge fragments, and doubtless others will be discovered as the work of cataloguing goes on.

One document⁸ may here be mentioned to add to his history; this is a deed executed in Jerusalem, A. M. 4805 (= 1045 A. D.), from a ⁹שְׁלָה אֶלְעֻמְחָנִי and his wife

¹ T-S. 13 J 13⁷.

² T-S. 20. 178.

³ This seems to mean "image."

⁴ T-S. 13 J 1¹¹.

יחזק בירבי יעקב החבר to נאליה בת אשלימון אלדלאתי
is a witness, as also one ראש ישיבת נאון יעקב ברבי
אלהו הכהן הרביעי בחבורו.

The beginning of the direction in Nos. VI and VII, . . . חיבל בשוש, as given once by Solomon and once by his son Joseph, does not seem to occur elsewhere.

XVII. A form that appears occasionally is found in the letter edited by M. J. Horovitz from the Frankfort Genizah fragments¹, where the address runs:—

יגיע אל יד כ'נ'ק' מרנו חננאל הרב המובהק הפטוש החזק ירום ויגדל
כבודו א'נ'ם

While this is Hebrew, the letter, it will be seen, is in Arabic.

Other examples are as follows:—

XVIII². A long direction hailing from Miniāt Zifta':—

יגיע להנניב אלמושב הדרת יקרת מרנו ורבנו
אדוננו משה הנגיד הגדל נגיד עם יי צבאות
שר השרים ונגיד הנגידים עמרת השרים וחמארתו
יגוננו אלהינו ויהיה שני חמוריו סגני הנגידות
בר כבוד גדלת קדשת מרנו ורבנו מורית אדוננו
מבורך צורבא מרבנן סנהדרא רבא דגל הרבנים וצל
עברא
אברהם ברבי
שבתי חננאל
ישע יק אב

XIX³. A letter addressed, like the last, to a Nagid, in fact the father of that Nagid:—

יגיע להדרת אדונינו כזק מר י מבורך נגיד עם יי נט רח מן חצר
ברבי סעריה זל

This is sent by יחזק החבר ביר עלי החבר נין חושענא זל.

No other forms of Aramaic directions beginning with a *verb* have as yet been noted. The rest to be mentioned seem to share, with Arabic addresses, an indifference as to beginning with or without a preposition. But they seem to be distinct from the Arabic in this, that they regularly mention the *person* before the *place* of destination.

¹ See Brody's *Zeitschrift für Hebr. Bibliographie*, IV, 155.

² T-S. 32. 8.

³ T-S. 13 J 16¹¹.

XX¹. The direction of a letter to the congregation at Malij runs thus:—

אחינו יקירינו גדולינו אשר במליג החשובים לנו יברכם שדי וירבם
ולעד יפרם ויעידרם

The sender describes himself at the head of the letter as אלחנן ראש הסדר של כל ישראל בן שמריה אב בית דין של כל ישראל; he signs it also.

The most frequent form in Aramaic is לבכור גדולת קדושת . . . מרינו ורבינו either in full or contracted.

XXI². One letter bears the following direction in this style:—

לבכור גדולת קדושת מר ורבינו בן רבינו אלחנן הרב הגדול נע
שמריה הרב המהודר המכובר ישועה חק רב
ישמרו שומר נפשות חסידים

This is signed השלישי בחבורו בירב³.

There are three letters, with the same formula, addressed to Ephraim b. Shemariya, spoken of above⁴; one from Solomon b. Judah runs thus:—

לכנף מור אפרים החבר בסנהדרין ברבי שמריה הנזכר
גדולה ישמרו קדושתו ועצרתו מעזינו יעקב רב

This mentions a debt of 19 zahobim which was owing from נשיאנו יחי לעד והנזכר למאד.

XXIII⁵. A very obliterated direction reads:—

לכנף מור אפרים החבר בסנהדרין גדולה . . . בן ז' קד
מור ש[מריה] . . . נחז ער
and the writer seems to be a [בן] יעקב יוסף נע . . .

¹ T-S. 16. 134; Malij appears to have been a few miles from Miniāt Zifta, on the east bank of what is now known as the Bahr Shibīn; it was 20 miles, according to Idrisi, from the point where this branch divided from that of Damietta.

² T-S. 16. 68.

³ On השלישי see Prof. Bacher in *J. Q. R.*, vol. XV, pp. 82, 83.

⁴ Nos. XII to XV.

⁵ T-S. 13 J 15¹.

⁶ T-S. 13 J 14⁶.

XXIV¹. The third to Ephraim gives:—

לכבוד ז ק ט ו אפרים החבר	מן משה בר יפת
המעלה בן ט ו ש[מרי]ח נע	מן מלינ

The greeting of this letter is in Hebrew, but the matter in Hebrew-Arabic.

Others of the same formula are:—

XXV².

... קדושת אהובנו ויקירנו וא...	מני משה ביר שמואל הנודע בן נאמע
..... ז בן כז גד קד מר רב יע[קב]	אוהבו ודורש טובו ממדינת קאבס
..... בו. עוכל במדינת מצרים	ישע רב

This is a carefully written letter which contains a good many names, but is very fragmentary; קאבס will be Cables in Tunis.

XXVI³.

לכבוד גדולת קדושת מר וז חלפון הלוי	מאת עבדה
בר כבוד גדולת קדושת מר וז נתנאל	הכו... ד... .
הלוי תנצנה	חסדו יצח[ק אל]
	סגלמאסי

This mentions אלשיי סעד אבי, and is in Arabic, although the direction is Aramaic.

XXVII⁴. The term "סגלמאסי" is also given in an interesting fragment of which no address is left, but which states that the writer saw יוסף אלסגלמאסי walking in the old cemetery (אלמקאבר אלעת[יקה?]), mentioning also the כניסה אלשאמיין, שלמה ראש ישי[בה], באב יהודה; and the interest of the fragment is maintained by the verso, on which is another letter written by a חלמיד, apparently to דניאל הנשיא, whom he seems to call יעקב נאן. An זכרי אלסגלמאסי is spoken of in an Arabic letter, which also mentions Damietta and relates to journeys on the Nile⁵. Sijilmāsa is in Morocco, in the valley of the

¹ T-S. 13 J 13¹.

² T-S. Ar. box 64⁶.

³ T-S. 13 J 13¹².

⁴ T-S. 13 J 13¹³.

⁵ T-S. 24. 78.

river Zis, south of the Atlas Mountains; it is said to be forty or forty-one days' journey from Miṣr, according to Idrisi.

XXVIII¹. To return: an Aramaic address runs as follows:—

ליקר כבוד נד קד מר וד שלמה הזקן הנכבד העושה | כמה חסדים
עם כל עובר ושב אוהב תורה | ומכבד בעליה ושמריהו שמר נפשות |
חסידיו ומצדדיו ויברכהו ויחיהו נצח' | ושלומך יגדל ואל ידל אמן סלה'
ישע יתחדש' | אהרן המומחה והחזן ברבי אפרים' מצוען' |

This occurs at the foot of the letter, which is poetical and Aramaic; it may have been intended for *any* Nagid, as the name שלמה in the letter is filled in later, apparently over an erasure. The verso contains sacred poetry by the letter-writer. This address may be compared with the three beginning ליקר, Nos. XIII–XV.

XXIX². Another Aramaic letter to Ephraim, having the foot cut away with a possible signature, gives us:—

ליקירנו וחשובנו כד נד קד מר ורב אפרים ברבי שמריה נבוע שפרי
החבר בסנ גר' וישמרו צור ומכל... מצרים
יהי נצור

being an Aramaic translation of Fustāt³.

XXX⁴. A letter headed by the writer with his name, יאשיהו ראש ישיבת גאון יעקב בירבי, is addressed on the verso similarly to the last:—

ליקירנו רבנא שלמה השופט בן סעדיה השופט נוע
וחזקנים ושאר הקהל הקדוש הדלים ברפא ישמרם צור
ישע רב'

is perhaps Rife (or Rifa) near Siut in Upper Egypt.

An exceptional form, beginning with greeting, is to be found in the Aramaic address to the oft-mentioned Ephraim b. Shemariya, here quoted:—

¹ T-S. 13 J 16¹.

² See Bacher, *J. Q. R.*, XV, p. 87.

³ T-S. 13 J 17⁴.

⁴ T-S. 12. 16.

XXXI¹.

החיים והשלום ליקר סדר כבוד גז קד מר ורב אמרים החבר בסנ גז
שמרו אלהינו ו... עדו ויהי בסעודו בן כב גז קד מר ור שמריה הנלצה

XXXII². One letter has the following:—

לד האדון המעולה הנשא תעלה נ...ם ולחהלה
אדונינו הנניד ה ירום הודו ויגל כב' א ז...

This contains a narrative of the proceedings of a certain Rabbi Joseph Ganim who came into the town of the writer's town on the feast of Succoth, and said, "Come, let us go and see how you take care of the holy things"; his son also is mentioned.

XXXIII³. A favourite beginning is this:—

הדרת זנך מרנו ורבנו נתן	משרתו מוכיחו
הכחן החבר המעולה בר	הכחן בר עלי
שלמה הכחן החסיד נע	הכחן המעולה זל

XXXIV⁴. הדרת מר ור ישועה הרומא השר הנכבד ביר אהרן הרומא
אלמאני ש צ מן בו אלחמן צהרה נאלל פצאר

This letter, which mentions Rabbi Saadiah, was also addressed in Arabic, ... *بسم الله*, but most has gone.

XXXV⁵. הדרת כבוד גדולת קדושת מרנא ורבנא [אברהם]
הנאר בכל מעבר סגולת הישיבה ... [בר]
מרנא ורבנא שלמה חזקן הנכבד ...

This is possibly written by ארמאעל מחאסן; it has a long Aramaic exordium, the letter proper being Arabic.

Variations of this form occur as follows:—

XXXVI⁶.

עמרת הדרת צפירת תפארת אדירינו גדולינו
וחשובינו והנסגל עדינו והנכבד אצלינו כבוד
גדולת קדושת מרנא ורבנא אברהם חזקן הנכבד
האציל היקר הירא שמים העניו ושפל רוח המסין
בכל דבר חמדת ל... בן אדונינו נתן השבועה בחבורה

¹ T-S. 13 J 18¹.

² T-S. 28. 10.

³ T-S. 13 J 18¹.

⁴ T-S. 24. 67.

⁵ T-S. 16. 250.

⁶ T-S. 13 J 15⁷.

This seems to be the style of a certain חלפון בן יצחק from whom another letter, to יצחק בירבי שמואל, is addressed much in the same fashion¹.

An epistle, sent by Amram b. Isaac to Ḥalfon ḥal-Levi the Cohathite, is addressed:—

XXXVII².

חצרה הדרת יקרת תפארת כבוד גדלת קרשת
מרנ ורבנ חלפון הלוי חקתי החכם והנבון השר
הנכבד הירא שמים מעוריו בן כבוד גד קד מרנא
ורבנא נתנאל הלוי הוקן הז
יחזק נע
החסיד בעורו זכרו לברכה ולתחיה

where חצרה is the equivalent of حضر, of which other examples are given below³. This letter contains the wish—

יתבנם בספר זכרון ובספר מחילה וסליחה ולחוג את חג הסוכות בירושלים

Of letters to congregations, one has already been given⁴; another direction, to the Alexandrian synagogue, runs:—

XXXVIII⁵.

אל הקהל הקדוש אשר בנוא אמן הירד . . . כניסת אלשאמיין
חלקי מחוקקי
הי צור עזרם וצל סתרם

This letter begins:—

אל אחינו הקהל הקדוש הדר . . . בנוא אמן הסמוך אל ירושלם הוקנים
והחשובים ובראש בב קד ומי ורב שלה החון . . . בר משה ז נ . . .

It is interesting to see that the congregation at Fustāt should call Alexandria *near* the Holy City.

XXXIX⁶. A letter from the congregation at Ramleh, evidently in great distress, to that at Fustāt begins with the following adaptation of Job xix. 21: אחינו חנונו חנונו חנונו חנונו; it is only a fragment, but the direction is preserved:—

לאחינו בית יש אשר במצרים
אחינו הכת העלובה ברמלה
ישמרם אינו ויוצד צורינו
ירא אי אבותינו ויובח

¹ T-S. 13 J 15¹⁰.

² See No. XX, p. 729.

³ T-S. 13 J 15¹⁶.

⁴ T-S. 13 J 14¹⁶.

⁵ See p. 740.

⁶ T-S. 13 J 7⁷.

XL¹. The next is to the community of Cades concerning some שאלות they had asked of the Gaon; it appears to come from [מנחם בן מנחם] by the hand of [מנחם בן מנחם], and begins: לכתוב התלמידים היקרים הדורים במדינת קאדם; there is no address, the letter filling both sides of the vellum; the need for a direction would again be done away with by its being entrusted to a known bearer.

Letters that have no direction on the outside are generally Aramaic; the following are some specimens:—

XLI². One from מנחם בן מנחם בן מנחם אברהם ננ, sons of ננ, letting them know he was in great distress, some one having sworn falsely against him; he had therefore fled from the house of bondage into Egypt, where he expected to find the שר (their father Amram?); it is with him now as is written (Isa. xvii. 4), "And the glory of Jacob shall wax thin," &c.

XLII³. Another instance is a letter which begins by quoting Ps. cxix. 165. It is signed by יעקב הרב בר שמאל, מור () הידוע אבו סער and is to הרב בר אברהם הרב נננע, the Jewish name being left out. It would seem to be written for Jacob by a scribe whose name would be Shelomoh or some other beginning with ש, for the ends of lines are filled in with that letter; the folding of this is the same as for one addressed.

XLIII⁴. The next specimen is a poetical epistle of which most is in Aramaic, while the *message* is in Arabic; it is headed by the composer, זכאי הנשיא בר ידידיו הנשיא ננ, and is written to אברהם הכהן הרומא המכונה סר העידה בר יצחק הכהן הרומא; this has been folded in the usual way.

XLIV⁵. A further example, an exception to the general rule, is to be found in a letter from אליהו ברכי זכריה ודוד, which is without address, but in *Arabic*.

To pass on to the pure Arabic address: of most of the forms of these there are exact parallels in Arabic and

¹ T-S. 16. 62.

² T-S. 13 J 13²¹.

³ T-S. 13 J 15¹³.

⁴ T-S. 13 J 15¹⁴.

⁵ T-S. 13 J 16⁵.

Hebrew script. They may begin with preposition or verb, may be directed to the person first, or the town, and may dispense with all preliminaries except a title (as our own English addresses, contrasted with the German *An Herrn*).

XLV¹. A letter written to a brother, possibly from Damietta:—

אלי מולאי ואכי בחנר אלסכנדריה
חמאה אל [לה] רבנו חלמן החכם והנבון יושמר לעד
בר אבינו נתנאל החסיד זל לח הע הז
אט אללה [בק] אה ואדאם סלאמתה ועאפיתה
אכי נעאל פרא
יחוקאל בר
נתנאל הלוי
אלדמיאטי

For the term חנר אלסכנדריה see also No. LXXXVII.

With the person's name coming first in the address are the following:—

XLVI².

מולאי השייח אבו יחיי נהרי אבן נסים ... מן אבו זאיד صدقه المصري
القساط ان شا الله ...

XLVII³.

מולאי השייח אבי העלי יוסף בן דאוד בן
סעיא אטאל الله سلامة ادام عزه
شاكر تفصله ... القساط
ان شا الله ... امانه موداه

The letter is written in rough Hebrew characters inside, and comes from Damascus. Its date may be about 1060 A.D., as a document of that date at Fustāt contains the signature of the addressee יוסף בר דויד בר ישעיה זז.

XLVIII⁴. Another letter to him is addressed:—

מולאי השייח אבו العلا
יוסף בן דאוד בן סעא
القساط ان شا الله

One of the more favourite forms is the following:—

XLIX⁵.

לסודי ומולאי אבי יחיי נהראי בן נסים זז
אטאל אללה בקאה ואדאם סלאמה ומעאדתה
מן מרדוך בן מוסי זז
יצל אל פסטאם אן שא אללה

¹ T.S. 13 J 13¹⁰.

² T.S. 28. 7.

³ T.S. 10 J 5¹⁰.

⁴ T.S. 13 J 15¹.

⁵ T.S. 13 J 17⁴.

⁶ T.S. 13 J 17¹.

لسیدی مولای ابی نحیی نهرای بن نسیم من اسرایل بن سهلون ¹.
 المصری اطال الله ... &c. القسطاط ان شا الله

LI². A good deal of Naharai ben Nissim's correspondence has been preserved: one letter to him from his friend עיזאש נז is addressed both in Hebrew and Arabic script, nearly as those above, with the addition in the Arabic ينفع لقاسم. Naharai's date is about 1050 A. D., for he is one of the witnesses to a marriage contract of that year at Fustāt³ between סת אלדאר בת and אברהם ביר יצחק התלמיד נז חנניה.

LII⁴. Another letter addressed to him in both Hebrew and Arabic script reads as follows:—

לסיד וּמולאי אבי יחיי נהראי בן נסים נע' מן ישראל בן נתן נז באלפסטאט
 אטאל אללה בקאה ואראם נעמאה ותאידה אן שא אללה
 giving more in the Arabic:—

لسیدی و مولای ابی نحیی نهرای بن نسیم الموت
 من اسرایل بن سهلون الموت القسطاط &c. اطال الله
 لدکان من سلی عمر بن سو

The writer has found taxation too heavy, and begs for money from Naharai or from Abraham (the bridegroom in the marriage contract just mentioned): it seems likely that the letter comes from Ramleh.

LIII⁵. Another to the same Naharai addressed only in Hebrew script begins למידי ומולאי and agrees with No. XLIX above, the name of the sender being lost. Others refer to flax and other commodities shipped to him⁶; and a letter from him also occurs addressed:—

LIV⁷. ... מולאי אבו אלפרנ ר ישועה בן שמואל נז שאברה נהראי בן.

Other specimens of this popular form of address may be found in a business letter that appears to hail from al-

¹ T-S. 13 J 16⁷.

² T-S. 13 J 13¹¹.

³ T-S. 20. 7.

⁴ T-S. 13 J 14¹⁸.

⁵ T-S. 13 J 17²⁴.

⁶ See T-S. 13 J 13⁸, 14⁹, 15⁴, 15⁹, 16¹², 17¹⁸, 10 J 5¹⁰.

⁷ T-S. 13 J 14³.

Mahadiyeh, and speaks of pepper and great quantities of flax, and several vessels and boats; this is addressed:—

LV¹.

לסידו ומולאי אבי אלפרז ישועה בן אסמעיל נז מן יוסף בן מוסי בן ברחון נז
אטאל אללה בקאה ואדאם סלאמתח וסעארתה

This also mentions R. Naharai.

LVI². Another has apparently some confusion as to the writer, for it gives:—

סידו ומולאי אבו יעקב יוסף בן עלי נז כהן פאסי מן אסמעיל בן פרח נז
&c. אטאל אללה

while in the Arabic the letter is ascribed to Naharai:—

سیدی ومولای ابی یعقب یوسف بن عالی الفاسی من نهرای بن نسیم
اطال &c. هور ان شا الله

mor being Tyre, for which city the letter is destined.

Joseph al-Fasi also sends back to Naharai:—

LVII³.

סידו ומולאי אבי יחיי נהראי בן נסים נז מן יוסף בן עלי נ' אלפאסי
כהן אטאל אללה בקאה &c.

He is very possibly the father of the great Isaac al-Fasi, who went into Spain in 1088, a few years after the period of these letters. It will be noticed that this last letter is earlier than many of the others, נז being appended to נסים, while it is נז in most.

LVIII⁴. One of the most interesting addresses among Naharai's correspondence is as follows:—

אבי וסידו אבו יחיי אטאל אללה בקאה מן משה ביר יעקב נז
ואדאם תאיידה יצל אנ شا الله حرة المعاريج
נהראי בן נסים נז אללה ולייה

while on the next fold, bottom upwards to this, is:—

יצל هذا الكتاب الى نهرای بن نسیم من موسى بری یعقب مصر
المقدسى اطال الله بقاء حدة المعاريج

¹ T-S. 16. 163.

² T-S. 13 J 17¹.

³ T-S. 13 J 16¹.

⁴ T-S. 13 J 17¹.

The Hartu'l-Ma'ārij (Street of the Steps) at Fustāt will be found noticed on p. 17 of vol. XVIII of this REVIEW. Another letter between the same persons seems to have been directed in a like manner, but is much rubbed¹.

LIX². Another letter to Naharai is the following:—

לאכי וסירי אבי יחיי נהראי בן נסים מן ישראל בן נתן נז בן נהראי נז
אמאל אללה בקאה ואראם תאיידה ונעמאה בן ...

لاخي وسيري ابويحيى نهراي بن نسييم بن نهراي من ابوالسلة بن سهلون الموت
الموت اطال الله بقاءه وادام عزه ...

LX³. Returning to the form סירי ומולאי we have:—

סירי ומולאי אבי אסחק ברהון בן מוסי נע מן ברהון בן צלח נז תיהרת
אמאל אללה בקאה &c.

LXI⁴. The name ברהון also occurs in the next example as the name of a perfumer in Fustāt, to whose shop the letter is directed:—

לסידى ابى عمر سهلان راس الكل من عبده ...
اطال الله بقاءه &c. الفسطاط [مصر] فى
دكان برون العطار

LXII⁵. The following seems to be a somewhat uncommon form:—

אלי שיבי וסירי... אלמאל אראם מן הארון בן יוסף אלמאל יצל פסטאם מצר
אללה עזיז ועלות וסוירה וסעארתה נז מנרת ומענק אן שא אללה
..... שמעון עוכל נז

LXIII⁶. A short note:—

לשיבי וסירי חז ור שראכה אלה
יעקב בן יוסף ללוזולי איירה

LXIV⁷.

לשיבי וגלילי אלעזיז עלי אבו אברהם אמאל אללה מן אפרים אבן מימון
אסחק אבן עלי נז בקאה עוזיה

¹ T-S. 13 J 13³.

² T-S. 13 J 16⁴.

³ T-S. 13 J 18⁶.

⁴ T-S. 13 J 13³⁶.

⁵ Arabic box 64².

⁶ Ibid., 64⁷.

⁷ Ibid., 64⁴.

This is also addressed in Arabic:—

يصل الى اشعاق ابن علون المحلى

LXV¹. The following are similar to Nos. LVIII and LIX:—

לאכי וסירי אבי יצחק אמאל אללה בקאה אלעוז מן מוסי בן יצחק בן
אברהם בן ראוד אלרחבי נז אללה וליה נסים אל וארה

No. V, above, is addressed to the same person.

LXVI².

לאכי ועקב סירי וריסי אמאל אללה בקאה מן לבראם בן יצחק נז
עזזה אכזה ומחבה

יוסף בן דנש נז אללה וליה ונאמרו

We find examples of address in Arabic without a preposition, besides Nos. LIV, LVI–LVIII, and LX above, as follows:—

LXVII³.

מולאי אלשיך אבו אלחסן סרור ביר חיים מחבה סהל ביר מבשר
אמאל אללה בקאה ואדאם עזה וחראפתה בן נחום
ישע' רב

LXVIII⁴. In Arabic script we have this parallel:—

مولای الشیخ ابی الحسن علون الفرناس ولده وهب بن بركات
بن نفس الامیس (?) اطال الله &c. الفسطاط ان شا الله ...
where نفس الامیس (?) has an equivalent in חיים = نفس and המומחה

LXIX⁵.

אלמולא אלאנל אלריים אלפאצל רבי אליה שצ' מן ממלוכת ושאר פעלה
אבו אלפצל'אן

מולאי אלשיך אלאנל אבי אלפצל מצליח מפתרין מורתה
אמאל אללה בקאה ואדאם נעמאה שלמה ברבי
חיים נע

LXXI⁷. (The left side of this is lost.) אלשיך אלאנל אלחבר אלסיד אל אכמל
אבו סעיר בן אלצאיג נז אמאל אללה ...

¹ Ibid., 64¹.

⁴ T-S. 13 J 14¹³.

⁵ T-S. 13 J 15².

² Ibid., 64².

⁶ T-S. 13 J 13²².

⁷ T-S. 13 J 17²³.

³ T-S. 13 J 17².

LXXII¹. The following begins with the somewhat uncommon epithet שיבי, as Nos. LXII-LXIV, but without preposition:—

שיבי ורייסי . . . אבו אלפרג יוסף מן כלוף בן נברה אלשתרו שאכר תפצליה
בן יעקב בן ענבל אמאל בקאה &c. במצר אן שא אללה גל וזו

A favourite mode of address is also "to the presence of" or "the presence of" a person, especially used to high officials:—

To a Nagid, where the letter itself begins with eighteen lines or so of quotations from Proverbs, Psalms, &c., the address runs:—

LXXIII².

עברהא צניעתהא	לחצרת אלגזליה עז אללה נצרהא וכבת בראל
ישועה בר יבין	ערוהא וחאסרהא חבת אללה סעארתהא
משרף אליקסריה	וכפיתא כל מחזור מר ורב שלמה החסיד
בענבאט אל. . . רי	בן כבוד גולת קדושת מר ורב שאלה חזקן
	הנכבר תנצבה

Again to a Nagid:—

LXXIV³.

עברהא אלחנ	לחצרה ארנינו זנג מר ור שר חשרים נגיד הנגידים
	ירום הורו ויגל כבודו

The letter is in Arabic, and Meborach bar Saadia is the Nagid; it will be seen that only two words of the address are Arabic, לחצרה and עברהא.

The following addressed to a Haber may be compared with the Aramaic address to the Haber Nathan, No. XXXIII:—

LXXV⁴.

ממלוכה יהודה בן	حضرة المولى المايار الجلال ابي الحسن علون بن
ابراهيم بن الشرح . . .	معمرداد الله حلالها معرش عزما

The greeting of this is in Hebrew to Meborach bar Saadia, חסדת הישיבה בית דין הקבוע במצרים בן מר עמרם השליח תנצבה, while the letter itself is in Arabic characters.

¹ T-S. 13 J 17¹¹.

² T-S. 13 J 14¹¹.

³ T-S. 13 J 13²⁰.

⁴ T-S. 13 J 13².

A very interesting letter, from the fulness of its direction and from the contents, is the following:—

LXXVI¹.

حضرة مولای الشیخ للجلل ابی سعید
نتنایل بن صدقه العطار
جہس اللہ یدہا

شاكر تفصله ...

ابراهيم بن صدقة

يصل فسطاط مصر سوق العطا(ير؟)

The writer wishes that Nathaniel may be blessed at the חסות הכוכב, and quotes Amos ix. 11; he also asks him to pay five dinars to his neighbour אשכולי אלסך אבי אלסך רנא האשכולי. The letter is sent from Askelon in 1112 A.D.

LXXVII². In one instance the names of the senders are placed first:—

מן פציל אבו אלו אלחסן
אלי אלשיך אבו אלכיר צדקה
בן צמח זע
אנשא אללה

LXXVIII³. A letter addressed to a י"ם does not mention his name, while the form is more like that with which the text of letters begins:—

עבד חצרתה אלאגלה תבת אללה איאמהא עלי בר נתן הרופא

The writer speaks of the congregation at Miniāt Ziftā'.

LXXIX⁴. Another of the same kind is the following:—

עבד אלחצרה אלסאמיה אלאגליה
אלרײסיה אדיר אללה עזהא
ממלובחא
אבו אלחסן אלרמשיקי

LXXX⁵. The following address gives in Arabic characters perhaps the most usual beginning with a verb:—

אבי וסירי ועדתי אבי זכריא יהודה
בן משה זע בן סגמאר
אטאל אללה &c.
يصل لابي زكريا يهودا بن موسى
بن سغمار الغمطاط ان شا الله

¹ T-S. 13 J 13².

² T-S. 13 J 17⁸.

³ T-S. 13 J 16^b.

⁴ T-S, 13 J 13³⁴.

⁸ T-S, 16, 179.

Other forms with the verb *ימל* are as follows:—

LXXXI¹. יצל אלי מולאי חייא הכהן מן אברהם בן מיכאל
בר ישועה הכהן נע

LXXXII². יצל אלי ולדי ואעי אלכלק ענדי יצחק הכהן בר זנז מ...
יעקב הכהן הדיין המשכיל החכם והנבן ישמרו צורו
מן ואלדה נתן הכהן בר יוסף הכהן נע

And with the *place* first:—

LXXXIII³. יצל אלי מצר חמאהא אללה מן אכזה סבאע ומסאפר
אלי אבו אלננס אבו סבאע אמאנה מודאח
אלרי כאן יעלם פי כניסה
אלעראקין

LXXXIV⁴. יצל אלי מצר יסלם לשך אבו נצר סם
בן אבן אלכרם נע

LXXXV⁵.

يصل الى مصر الى كنيسة الشاميين زقاق خيمة سلم للشيخ
ابراهيم المحلى التلميذ العلم من عبد بو منصور بن بو سعد رحمه ...

This and the following, it will be noticed, have more definiteness in the direction than most other examples given; the Synagogue of the Palestinians was in Qasr ash-Sham', as was noted in vol. XV of this REVIEW, pp. 21, 22, where the vicinity of the Zuqāq Khabīṣah is spoken of.

LXXXVI⁶. In four lines:—

يصل مصر حاما الله | الى قصر الشمع
الى ابو البركات بن ابو الحسن | الابراوى رحمه الله

Some begin with simply *מצר* :—

LXXXVII⁷.

אלי מצר אלכז גז קד מר וז ישועה הזקן מן חנר אלאסכנדריה שאכר
הנכז בר כז גז קד מר וז שבתי הזקן הנכז חפצלה ואשאמה' אלעזר בירבי
החכם והנבן נח עז חלפון נח' זנז עזין

¹ T-S. 13 J 13¹⁵.

² T-S. 13 J 18⁴.

³ T-S. 13 J 16¹⁰: see also No. LVIII.

⁴ T-S. 13 J 13¹⁶.

⁵ T-S. 13 J 13¹⁷.

⁶ Arabic box (unnumbered at present).

⁷ T-S. 13 J 13⁷.

LXXXVIII¹. אלי מצר יסאלם ללשיך אבו אלמנצור בן בקא
יסלמה לאבן אלנזם בן ספצל אלכהן

One of which is in both scripts:—

LXXXIX². ... מצר יסלם אלי אלמולא אלמנעם אלמחפצל אלשיך
אלנניב שיך אבו אלברכאת ולד אלמולא אלשיך אלאנל אלדיאן
אלגליל שיך אבו אלפרג אבן אל ראים דאמת סלאמתה אמאנה מודה
الى مدينة مصر يسلم الى المولا المنعم المتفضل شيخ ابي البركات النجيب
ولد المولا المتفضل الرايس الشيخ ابي الفرج ديان اليهود يعرف
بابن الرايس دامت سلامتة امانه موده ...

Another has no preposition before the name of the place:—

XC³. אסכנדריה אלי אלשיך בו אלפתוח אלמעלם בן אלעמסני אמינה

Two letters addressed in Arabic to congregations may close the examples. The first is from the Rabbanim of Ramleh to their brethren at Fustāt, and reads:—

XCI⁴.

... الربانين المفتحين بمصر اطال الله بقاءهم
اخونهم الربانين المفتحين بالرمله
الفسطاط ان شا الله

XCII⁵. The other, almost lost, containing a responsum on intermarriage:—

لساداتنا و شيوخنا شيوخ الوهين
اطال الله بقاءهم وا
من الفسطاط

It is hoped that these somewhat numerous examples may assist in the reading of what is very frequently in some way defective, or written in a very crabbed "Currentschrift."

ERNEST JAMES WORMAN.

¹ T-S. Maim. Box 21.

² T-S. 20. 135.

³ T-S. Maim. Box 22.

⁴ T-S. 20. 19.

⁵ T-S. 13 J 14¹⁰.

HEBREW INCUNABULA IN CAMBRIDGE.

THE two latest writers on the subject of Hebrew Incunabula, Dr. Joseph Jacobs (*Jewish Encyclopedia*, vol. VI) and Dr. A. Freimann (*Centralblatt für Bibliothekswesen*, vol. XIX, 1902), make no allusion to the existence of any copies in the Cambridge libraries. This is due, no doubt, to the fact that no list has as yet been made of the Cambridge Incunabula. This neglect is very much to be regretted. For, although Cambridge cannot boast of any unique or hitherto unknown fifteenth-century Hebrew book (unless such lurk among the printed fragments of the Geniza), many of the copies here are in perfect state of preservation. This fact may help the bibliographer to correct the usually infallible Steinschneider in one or two places, and also to solve a few doubts which arose from the imperfect condition of his copies.

The various Cambridge libraries possess no less than thirty-five Incunabula, of which thirteen are duplicates. They are located as follows: University Library, 19; Mr. Aldis Wright, of Trinity College, 11; Robertson Smith Library, Christ's College, 2; Trinity College, Clare College, and St. John's College, one each. I have to express my sincerest thanks to Mr. Aldis Wright for his kindness in placing his valuable collection at my disposal, and for the help he rendered by looking through the old Hebrew books of the Trinity Library for me.

I have adopted the numbering of Dr. Jacobs' list in the *Jewish Encyclopedia*. Unless otherwise stated, the copy here described is complete at beginning and end. The Eton Library, it would seem, also possesses at least three Hebrew Incunabula; for somebody has notified the fact in

the copy of Steinschneider's Catalogue in the University Library. They are: Proverbs, with the commentary of Immanuel b. Solomon, 1486 [no. 39], and the Hagiographa with commentary, 1486 [no. 43], including Psalms with Kimḥi, 1487 [no. 46]. For the latter, see also Ginsburg, *Introduction to the Hebrew Bible*, p. 814.

[6] תהלים with Kimḥi's Commentary. Finished 20th Elul, 5237=Aug. 29, 1477. The printers were יוסף ונריה חיים מרדכי מישטר יוסף ונריה חיים מרדכי. Jacobs and Ginsburg (*Introd.*, p. 781) understand the last word to mean "of Ventura," following St., no. 1. But they have overlooked the fact that Steinschneider himself corrected it in his Corrigenda to "Montro." With regard to the word ונריה, Steinschneider (col. 2861) writes: "Nos ונריה 'et Neria,' suspicati sumus, sed recte G. Polak mihi ante annos observavit legendum esse ובריה 'et filius eius,' litt. ו et ב enim in vetere illo caractere valde similes sunt." But in the copy before me the ו is perfectly distinct, and cannot be read as anything else. The place where it was printed is not given; Ginsburg assigns it to Bologna. The first page is missing, and it commences at Ps. i. 6. The numerous passages dealing with Christological interpretations have been heavily obliterated. Censors' names: Dominico (not Domenico, as in *Jew. Encyc.*, III, 652) Irosolymitano, 1595; Alessandro Scipione. The fly-leaf contains a list of birth-entries, dating from the sixteenth century. The poem prefixed to the colophon states that the edition consisted of 300 copies. [Univ. Lib.]

[8] Joseph b. Gorion, *History of the Jews*. Printed by Abraham Conat at Mantua. Undated; St., col. 1559, places it between 1476 and 1479. The colophon merely states that the book was finished on the 49th day of the Sephira. The book has the following heading:—

רם ועליון	בשם הא'
בן גוריון	אחל ספר

Both sides of the fly-leaf contain lists of books, chiefly Bibles Siddurim, and Maḥzorim. Against each entry a letter (א, ב, or ג—never higher) is placed, probably denoting the number of copies. The fly-leaf further bears the name of the owner: קני כספי אני אהרן לעולם יכתוב אדם שמו על הכרן, who has added the wise precaution ספרו. [Univ. Lib.]

[11] **Levi b. Gerahon.** Commentary on the Pentateuch. Printed at Mantua by Abraham Conat and Abraham Yedidya ha-Ezrahi of Cologne. Undated: St., col. 1611, gives ante 1480. Censors' names: Dominico Irosolymitano, 1592; Fra Luigi, 1597. [Univ. Lib.]

Another copy; imperfect. Begins at Gen. i. 20 and ends in the middle of נצבים. [Trinity.]

[14] **חידושים בפירושי התורה** by Moses b. Nahman. Colophon missing. The book is, however, undated, and St., col. 1960, no. 48, places it before 1480. It was printed probably at Rome. Censor's name: Giovanni Dominico Carretto, 1628. [Robertson Smith.]

[25] **Pentateuch with Onkelos and Rashi.** Printed at Bologna, and finished on Friday, 5th of Adar I, 5242 = Jan. 26, 1482. The printing was carried out under the superintendence of Abraham b. Hayyim di Tintori, at the expense of Joseph Caravita (קריוויטה) St., no. 2, puts a query against the name; but it is quite distinct in this copy. It is finely printed on vellum, and the text has vowel points and accents. Censors' names: Luigi da Bologna, 1602; Girolamo da Durallano, 1641. [Univ. Lib.]

Another copy, of which three leaves are missing. [W. A. Wright.]

[37] **Former Prophets with Kimhi's Commentary.** Printed at "Soncino in the province of Lombardy, which is under the government of the mighty Duke of Milan," and finished the 6th of Marḥeshwan, 5246 = Oct. 15, 1485. Text is unvocalized. The first seven leaves are missing, and the copy begins at Joshua viii. 5. A former owner of the book has marked the Haftarah in the margin. It is noteworthy that the sections used in his time are quite different from those now in use. Thus, Joshua viii. 30 (marked as the beginning of chap. ix by the same writer) is given as the Haftarah for כי תבוא; ib. xix. 51 for מטעי; ib. xxiv. 1 for נצבים. The other three which are marked agree with the existing arrangement; viz. 1 Sam. xv. 20, הרם' וכו'; ib. xxi, הרם' שמיני; 2 Sam. vi, הרם' מחר חרש. It is also remarkable that none of the other twenty-three Haftarah which, according to our system, occur in the נביאים ראשונים, are marked in this copy. As far as the text is concerned, it is worth noting that in 1 Kings i. 38 the reading is אל ירחוק, which has been altered in the margin to על; and in 2 Kings vii. 7, the reading וינכו על נפשם has been corrected to אל. Censors' names: Laurentius Frangellus, 1575; Giovanni Dominico Vistorini, 1609. [Rob. Smith.]

Another copy bound together with the Latter Prophets. Imperfect; commences at Joshua i. 17. [Univ. Lib.]

Another copy. [W. A. W.]

[39] **Proverbs with commentary of Immanuel b. Solomon.** (The Preface wrongly gives b. Jacob.) Printed at Naples by Hayyim b. Isaac ha-Levi Ashkenazi. Undated; but St., col. 162, no. 1066, assigns it to 1486. [Univ. Lib.]

Another copy, bound together with the rest of the Hagiographa. See below. [W. A. W.]

[40] **Latter Prophets with Kimḥi's Commentary, 1486.** Bound together with the Former Prophets. The whole of Malachi is missing. Many Haftaroḥ have been marked in the margin. The majority correspond with the arrangement now in use, but the following differ: Jer. vi. 16 is given as the Haftarah for ססע', and Ezek. xx. 2 for מות אחריו (Sefardic usage). It is also noteworthy that Jer. i is marked thus, ה' אלה שמות כמנהג הספרדים. [Univ. Lib.]

Another copy. From Mal. iii. 17 to the end (one leaf) is missing, but has been added with the commentary in manuscript. [Univ. Lib.]

Another copy. Censor's name: Camillo Jagel, 161?. [W. A. W.]

Another copy. The following passages are missing: Zech. x. 8-xiii. 4; ib. xiv. 7 to end of the book; Mal. i. 14 to end of the book. [W. A. W.]

[43] **The Hagiographa with various commentaries.** The colophon is appended to Chronicles. Unfortunately, however, no copy in Cambridge is complete at the end. I therefore avail myself of the transcription of the colophon in Ginsburg (op. cit., p. 812). It was printed at Naples by Samuel b. Samuel of Rome. The date is given as the 9th of the month אִתְנִים, i. e. Tishri (not Marḥeshwan as St., no. 5). 5247=Sept. 8, 1486. It contains (a) Job with the Commentary of Levi b. Gershon; (b) Canticles with Rashi; (c) Ecclesiastes with Rashi; (d) Lamentations with Joseph Karo; (e) Ruth with Rashi; (f) Esther (called מְגִלָּה) with Rashi; (g) Daniel with Rashi; (h) Ezra (including Nehemiah) with Rashi. The books of Chronicles are missing. [Univ. Lib.]

Another copy; Chronicles missing. [Univ. Lib.]

Another copy, containing also Psalms with Kimḥi (see below), and Proverbs with the commentary of Immanuel b. Solomon (see no. 39 above). Chronicles missing. Censors' names: Pietro de Fiones, 1622; Antonio di Medicis, 162?. [W. A. W.]

[46] **Psalms with Kimḥi.** Printed at Naples by Joseph b. Jacob Ashkenazi and corrected by Jacob Baruch b. Judah Landa (לנדא), who

styles himself **אשכנזי המתגורר עתה פה נאפולי**. Finished on 4th Nisan, 5247 = March 28, 1487. Ginsburg (op. cit., p. 809) gives the date by a misprint as 1476. [Univ. Lib.]

Another copy. Imperfect at the beginning. Commences at iv. 4. Ps. vii. 11 - ix. 1 is missing. [W. A. W.]

[59] **חדושי התורה**, by **Moses b. Nahman**. Printed in Lisbon, בבית הרב רבי צורבא ורבן (sic) אליעזר. Finished in Ab, 5249 = July, 1489. Two pages of וינא are missing, but have been added in manuscript. [Clare.]

Another copy. Censors' names: Giovanni Dominico Carretto, 1628; Dominico Irosolymitano. [Univ. Lib.]

Another copy in two volumes. Last three pages, containing the colophon, Nahmanides' prayer, and his letter to his son, are wanting. [Univ. Lib.]

[61] **אבן בוחן** by **Kalonymos b. Kalonymos**. Colophon is missing. But it is bound together with no. 62, and is printed with the same type. It will therefore be the 1489 edition, printed at Naples. See St., col. 1578 f. [Univ. Lib.]

[62] **חובות הלבבות** by **Bahya Ibn Pakuda**. Printed by Joseph Ashkenazi, corrected by Solomon b. Perez, and finished on Hannukah, 5250 (נר) = Nov., 1489. The place of printing is not given, but according to St., col. 780, it is Naples. [Univ. Lib.]

[72] **פירוש התורה** by **Moses b. Nahman**. Finished on Friday, 13th day of Tammuz, 5250 = July 2, 1490. The place of printing is not given, but St., col. 1961, assigns it to Naples. The title on the cover of the book wrongly attributes the commentary to Rashi. [St. John's.]

[75] **משל הקדמני** by **Isaac Ibn Sahula**, with illustrations. Printed 1490-1 at Soncino, see St., col. 1151. Very imperfect, both at beginning and end. [Univ. Lib.]

[76] **Bible in two vols.**, with vowel points and accents. It has no colophon, but is assigned to about 1491 by St., col. 155, no. 1006, and Ginsburg, p. 847. It is further certain that it was printed at Naples by Joshua Solomon Soncino. Vol. I contains **מפתח להפטרות**, Penta-teuch, Canticles, Ruth, Lamentations, Esther (bearing the title **אחזשורש**), Joshua, Samuel, Kings. Vol. II contains Isaiah, Jeremiah,

Ezekiel, תרי עשר, Psalms, Proverbs, Job, Daniel, Ezra (including Nehemiah), and Chronicles. [W. A. W.]

[79] **Pentateuch with Onkelos and Rashi.** The text is vocalized and has accents. Printed by R. Eliezer at Lisbon, and finished in Ab, 5251 = July-Aug., 1491. At the end of Exodus are appended a few passages from Genesis and Exodus in an Aramaic paraphrase, some of which are identical with the so-called Jerusalem Targum. I am indebted to Mr. Aldis Wright for the following list of missing passages:—Gen. iv. 4-viii. 15 (8 leaves); ix. 5-20; xii. 1-12; xxvii. 20-32; xlv. 26-xlvi. 30 (4 leaves); Lev. xiv. 52-xv. 12; xvi. 4-16; Num. xxii. 21-32; xxv. 16-xxvi. 13; Deut. xxxii. 18-end. [W. A. W.]

[82] **Proverbs with commentary קב ונקי** of David b. Yahya. From xxviii. 21 a is missing. According to St., col. 162, no. 1067, it was printed at Lisbon in 1492. [Univ. Lib.]

[83] **Isaiah and Jeremiah with Kimhi.** Printed in 1492 at Lisbon by R. Eliezer. The colophon is remarkable for its brevity and simplicity: נכתב באשכונה בבית הרב ר' אליעזר בשנת בא (sic) יבא ברנה לפרט היצירה. The text has vowel points and musical signs. First page is missing, and it commences at Isa. i. 7 b. The Haftarothe occurring in these books have been noted in the margin. [Univ. Lib.]

[86] **Mishna with commentary of Maimonides**, in six vols. In vol. I, the first eight chapters of ברכות are wanting. At the end of vol. II is a note by the translator (המעתיק), in which he enumerates the essential qualifications of a translator. At the end of vol. III is a letter from יעקב עכסאי to ר' שלמה בן אדרת to ר' with the reply of the latter. The colophon is at the end of vol. V. It was finished on Tuesday, 11th Iyyar, 5252 = May 8, 1492, "in the reign of Don Ferdinand." [Univ. Lib.]

[87] **Commentary of Bahya b. Asher on the Pentateuch.** Printed at Naples, and finished 8th Tammuz, 5252 = July 3, 1492. Only the last page of the preface remains. Several leaves are missing from the middle of ואתחנן to the middle of ראה. Prefixed to the colophon is a poem in praise of the book. It opens with a play on Bahya's name: אהללה ה' בחי. It consists of fifteen lines, forming the acrostic חוק שלמה צרפתי חוק (St., col. 778 צרפת יחוק). The fifth line contains the printer's name: לי אני שלמה בן מאור הנולה. מהרר' פרץ ששמו נודע בכל מעלה. In the colophon itself the name is given as שלמה ב' פרץ בנפוי צרפתי. Among those who assisted in

the printing, St. gives the name **ספר שמואל**. This should be corrected to **ספר שמואל**. [W. A. W.]

[94] **Hebrew Bible**, printed at Brescia in 1494. I was unable to see the copy, since it had been lent to Dr. Ginsburg. But Mr. Aldis Wright informs me that the copy is perfect, except for a few leaves which have been added in manuscript. This is the edition Luther is said to have used in making his translation. (Ginsburg, p. 88o.) [W. A. W.]

A. COHEN.

THE POLITICAL RIGHTS OF ENGLISH JEWS.

II.

THE history of the admission of the Jews to Parliament is so well known and has received so much attention from the writers on constitutional history and constitutional law that it will be sufficient to indicate here its main outlines. Immediately after the passage of the Catholic Relief Act, 1829, efforts were made in Parliament for the complete emancipation of the Jews from all civil and political disabilities. The leader of the movement was Mr. Robert Grant, who, on April 5, 1830, introduced into the House of Commons a Bill "to repeal the civil disabilities affecting British born subjects professing the Jewish religion." Leave to bring in the Bill was granted by a majority of 18, and when it came up for second reading it was thrown out by a majority of 63¹. This was before the Reform Act of 1832. Mr. Grant reintroduced his measure in the reformed House of Commons and met with more success. Several petitions in favour of Jewish emancipation had been presented to the Houses of Parliament², and on April 17, 1833, Mr. Grant moved that the House of Commons should resolve itself into a committee of the whole House to consider the disabilities affecting Jewish subjects; despite a protest from Sir Robert Inglis the motion was adopted without a division. In committee Mr. Grant moved "that it is

¹ See Hansard, *Parl. Deb.*, and series, vol. 23, pp. 1287-1336, and *ibid.*, vol. 24, pp. 784-814; the debates are interesting, as almost all the arguments for and against the Jews were used by the supporters or opponents of the Bill.

² Hansard, *Parl. Deb.*, 3rd series, vol. 15, pp. 310, 559; *ibid.*, vol. 16, pp. 10, 725, 775, 973.

expedient to remove all civil disabilities at present existing affecting His Majesty's subjects of the Jewish religion, with the like exceptions as are provided with reference to His Majesty's subjects professing the Roman Catholic religion." When after debate the question was put, the "Ayes" resounded through the House, but the "Noes" were few. The minority did not challenge a division, and the resolution was agreed to¹. Thus the Jews' Civil Disabilities Bill was again introduced; the second reading was carried by 159 votes to 52², and the third reading by 189 to 52³, but the House of Lords refused the Bill a second reading by 104 votes to 54⁴. Nothing daunted, on April 24 of the following year Mr. Grant again brought forward and carried, by 53 votes to 9, a motion to go into committee to consider the subject⁵, and the revived Bill was accorded a second reading in the Lower House by 123 votes to 32, and also a third reading after a motion for adjournment had been defeated by 50 votes to 14⁶. The dwindling numbers of the advocates of the Bill in the House of Commons and the lukewarm support which it received from the Government in power encouraged the House of Lords to again reject it, and by an increased majority, only 38 voting for and 130 against the second reading⁷. Late in the session of 1836 the Bill was again revived under the auspices of Mr. Spring Rice, the Chancellor of the Exchequer; but the second reading was not moved until August 3, when the House was so thin that it was in imminent danger of being counted out. The second reading was agreed to by 39 votes to 17. Having passed through the remaining stages, the Bill was sent up to the Lords and was read a first

¹ Hansard, *Parl. Deb.*, 3rd series, vol. 17, pp. 205-44.

² *Ibid.*, vol. 18, pp. 47-59.

³ *Ibid.*, vol. 19, pp. 1075-82. For the committee stage see vol. 18, p. 1251.

⁴ *Ibid.*, vol. 20, pp. 221-55.

⁵ *Ibid.*, vol. 22, p. 1372.

⁶ For the second reading see Hansard, vol. 23, p. 1158, and *ibid.*, p. 1349, for the committee stage, and vol. 24, p. 382, for the third reading.

⁷ *Ibid.*, vol. 24, pp. 720-31.

time on August 15, but on account both of the lateness of the session and the poor support it was likely to receive, the second reading was never moved, and the prorogation took place on the 20th of that month¹.

A general and comprehensive measure was not again introduced, for the advocates of equal rights for the Jews recognized that their cause had not sufficient popular support to overcome the resistance of prejudiced and persistent opponents who could usually count upon a majority of votes in the Upper House. They therefore wisely confined their efforts to obtain gradually and by small instalments the end they had in view—a method so frequently adopted in the making of the English constitution and so peculiarly dear to the English people. The result was the different enactments, already enumerated, altering the oath and other methods of qualification, so as to open municipal and other offices to members of the Jewish faith, but none of these statutes had any bearing upon a Jew's right to sit in Parliament. At length the question became one of practical politics by the return of Baron Lionel de Rothschild as one of the Members for the City of London at the General Election of 1847.

At that time before a member could take his seat or vote, he was required to take three several oaths: the oath of allegiance, the oath of supremacy, and the oath of abjuration. The tenour of these oaths has been already explained, and, as has been seen, though a Jew might conscientiously take the first two, he could not with any sense of decency or propriety pronounce the words "upon the true faith of a Christian," which concluded the oath of abjuration. Moreover, it was customary to administer all these oaths upon the New Testament, which by itself would have debarred a conscientious Jew from taking any of them. This form of administration was not, however, ordained by any statute then in force and might upon occasion be waived or altered by resolu-

¹ Hansard, vol. 35, pp. 865-75, 1209, 1216, 1318.

tion of the House in favour of any particular member or class of members, though such an indulgence was a matter of favour and not of right¹. The House, however, had no power to waive the oaths themselves or to alter their form, for the statute (1 Geo. I, st. 2, c. 13, ss. 16, 17) expressly enacted that no one should vote in the House of Commons or sit there during any debate until he had taken the oath of abjuration, and imposed a penalty of £500 as well as several important disabilities upon any one who should presume to vote without having taken the said oath². These provisions being laid down by statute could not be removed or dispensed with by a single branch of the legislature, but only by an overriding or repealing Act of Parliament.

Accordingly in December, 1847, the Prime Minister, Lord John Russell, who happened to be one of Baron de Rothschild's colleagues in the representation of the City of London, took precisely the same course as Mr. Grant had taken in 1833, and the House of Commons, having resolved itself into committee, moved a resolution in the same terms as that adopted fourteen years earlier. The resolution was agreed to by 257 votes to 186, the increased numbers in the division showing the increased interest aroused³. The Jewish Disabilities Bill, which placed Jews

¹ In 1833, Mr. Joseph Pease, the Quaker member for South Durham, had been allowed to make a solemn affirmation instead of taking the oath; this was by virtue of the Statute 22 Geo. II, c. 46, s. 36, and earlier statutes enabling Quakers to substitute an affirmation for an oath in all cases where an oath was required, thus including promissory as well as juridical oaths (see Hansard's *Parl. Deb.*, 3rd series, vol. 15, pp. 387, 476, 639. Mr. Pease had even been allowed to omit the words "on the true faith of a Christian," to which he objected as being unnecessary in the same way as if they had been "on the true faith of a gentleman" (see Hansard, vol. 113, p. 508), but then the Acts prescribed the form of the oath, but not that of the affirmation which might be substituted.

² But there was no provision here or elsewhere for vacating the seat of a member who omitted to take the oath of abjuration, if he did not attempt to exercise the power of voting. See May's *Parl. Practice*, p. 158.

³ Hansard, *Parl. Deb.*, 3rd series, vol. 95, pp. 1234-1231, 1256-98.

on the same footing as Roman Catholics, was subsequently brought in and carried through the House of Commons, 277 members voting for and 204 against the second reading, but thrown out in the House of Lords by a majority of 35; 125 lords voting for and 163 against the second reading¹. In the following session Lord John Russell brought forward another measure with a similar object, but confined its scope to an alteration of the parliamentary oath in favour of Jews. The Bill which was known as the Parliamentary Oaths Bill was successfully steered through the House of Commons, being carried on the second reading by 275 votes to 185, and on the third by 272 to 206, but it was again wrecked in the Lords, who refused it a second reading by 95 to 70².

After the failure of this measure Baron de Rothschild vacated his seat by applying for and receiving the stewardship of the Chiltern Hundreds. He offered himself for re-election and was returned by a large majority. The Government, however, brought in no Bill to enable him to take his seat, and on July 26, 1850, he came to the table of the House of Commons, and requested to be sworn upon the Old Testament, whereupon the Speaker directed him to withdraw. After a long debate, including an adjournment and three several divisions, this request was conceded. The next day the baron again came up to be sworn; the oaths of allegiance and supremacy were duly administered on the Old Testament, but when the oath of abjuration was tendered the newly elected member refused to repeat after the clerk the words "upon the true faith of a Christian," and upon

¹ Hansard, vol. 95, p. 1421; *ibid.*, vol. 96, pp. 220-83, 460-540; *ibid.*, vol. 97, pp. 1213-50; and *ibid.*, vol. 98, pp. 1329-1409. Of the debate in the Lords the Earl of Malmesbury in his *Memoirs* writes: "The Jew Bill was thrown out in the Lords by a majority of 35. Mr. Lionel de Rothschild and his brother Anthony were present. I never saw the House so full. The Rothschilds stood like elder sons of Peers on the steps of the throne, and would not even retire when the division took place" (*Memoirs of an Ex-Minister*, vol. I, p. 230).

² Hansard, vol. 102, pp. 1188-1202; *ibid.*, vol. 104, pp. 1395-1449; *ibid.*, vol. 105, pp. 431-66, 670-83, 1373-1434; vol. 106, pp. 871-922.

their being read said, "I omit these words as not binding upon my conscience," and concluded with the words, "So help me God." He was then directed to withdraw. A motion was subsequently carried by 166 votes to 92 "that the Baron Lionel Nathan de Rothschild is not entitled to vote in this House or to sit in this House during any debate, until he should take the Oath of Abjuration in the form appointed by law." It was further formally resolved by 142 votes to 106 to take the form of the oath of abjuration into consideration during the next session with a view to the relief of persons professing the Jewish religion¹.

The following Session, in pursuance of this resolution, the Oath of Abjuration (Jew) Bill was introduced by the Government. It provided that whenever any of her Majesty's subjects professing the Jewish religion shall present himself to take the oath of abjuration the words "upon the true faith of a Christian" shall be omitted from the oath, and passed the House of Commons, though the majority on the second reading was only 25, but was rejected in the Lords by 144 votes to 108².

In the meantime Mr. David Salomons had at a bye-election been returned to the House of Commons as member for the borough of Greenwich, and on July 18, 1851, the day after the rejection of the Government's bill by the Upper House, attended at the table for the purpose of being sworn. Upon the New Testament being tendered to him by the clerk, he requested to be sworn on the Old Testament, which being reported to Mr. Speaker, Mr. Speaker asked him why he desired to be sworn upon the Old Testament; he answered because he considered it

¹ *Com. Jour.*, vol. CV, pp. 584, 590, 612; Hansard, vol. 113, pp. 298-333, 396-453, 486-533, 769-817.

² Hansard, vol. 115, pp. 1006-19, 1030; *ibid.*, vol. 116, pp. 367-412; *ibid.*, vol. 117, pp. 1096-1102; and *ibid.*, vol. 118, pp. 142-7, 188, 859-909. "Jew Bill passed second reading House of Commons by 25; 202 to 177. This will encourage the Peers" (Lord Malmesbury's *Memoirs*, vol. I, p. 283).

binding on his conscience; Mr. Speaker then desired the clerk to swear him upon the Old Testament: there being no debate and no division such as had taken place in the case of Baron de Rothschild a year previously. The clerk then handed him the Old Testament, and tendered the oaths. The oaths of allegiance and supremacy having been duly taken, when the oath of abjuration was administered Mr. Salomons read as far as the words "upon the true faith of a Christian," which he omitted, and concluded with the words "So help me God." He then read the following declaration from a paper which he had in his hand, and then pushed over to the clerk at the table: "I have now taken the oaths in the form and with the ceremonies that I declare to be binding on my conscience, in accordance with the statute 1 & 2 Vict., c. 105. I now demand to subscribe to the oath of abjuration and to declare to my property qualification." The omission of the words of the oath being reported to Mr. Speaker, he desired Mr. Salomons to withdraw. "He thereupon retired from the table and sat down upon one of the lower benches; upon which Mr. Speaker informed him that, not having taken the oath of abjuration in the form prescribed by the Act of Parliament and the form in which the House had on a former occasion expressed its opinion that it ought to be taken, he could not be allowed to remain in the House, but must withdraw: and he withdrew accordingly." A short discussion of the subject, which was adjourned to the following Monday, July 21, ensued¹. On the resumption of the debate on that day Mr. Salomons took his seat in the House. The Speaker rose and desired him to withdraw; but the request fell upon deaf ears, and, amidst a scene of great confusion, the Speaker appealed to the house to support the chair. The Prime Minister, Lord John Russell, then moved: "That Mr. Alderman Salomons do now withdraw." To this Mr. Bernal Osborne moved as an amendment that Mr. Salomons,

¹ Hansard, vol. 118, pp. 979-86; *Com. Jour.*, vol. CVI, p. 372.

having taken the oaths required by law in the manner most binding on his conscience, is entitled to take his seat in the House. The adjournment of the debate was then moved, but was defeated, 65 voting for, and 257 against it; Mr. Salomons himself voting in the minority. After further discussion Mr. Bernal Osborne's amendment was put to the vote, and lost by a majority of 148. After the division Mr. Salomons, who had taken no part in it, as it involved a question personal to himself, re-entered the house and took his seat as before, when the debate on the original motion for his withdrawal was continued. The adjournment was again moved, and during the debate on it Mr. Salomons, being directly challenged as to the course he intended to pursue, rose amidst loud cries of "withdraw," and, having obtained a hearing, explained his position. After apologizing for his presumption in addressing the House, which he would not have done had he not been directly appealed to, he said: "But I beg to assure you, Sir, and the House, that it has been far from my intention to indulge in anything contumacious or presuming towards either. But, having been returned to this House by a large constituency, and believing that I labour under no disability whatever, and that I am in a position to fulfil all the requirements of the law, I thought I should not be doing justice to my own position as an Englishman and a gentleman did I not adopt the course which I thought right and proper of maintaining my right to appear on this floor—without thereby meaning any disrespect to you, Sir. I thought I was bound to take this course in defence of my own rights and privileges, and of the rights and privileges of the constituents who have sent me here. In saying this, Sir, I shall state to you that whatever the decision of this House may be, I shall willingly abide by it, provided that just sufficient force be used to make me feel that I am acting under coercion." In conclusion he besought the House not to come to a final decision without giving him an opportunity of addressing

it on what he believed to be the rights and privileges of himself and his constituents. The motion for adjournment was again defeated, and the original motion, "that Mr. Salomons do now withdraw," was put and carried by 231 to 81 votes. "Whereupon Mr. Speaker stated that the Honourable Member for Greenwich had heard the decision of the house, and hoped that the Honourable Member was prepared to obey it.

"Mr. Alderman Salomons continuing to sit in his seat, Mr. Speaker directed the Serjeant-at-Arms to remove him below the bar.

"Whereupon the Serjeant-at-Arms having placed his hand on Mr. Alderman Salomons, he was conducted below the Bar¹."

The next day the subject was resumed, the Prime Minister moving that Mr. Salomons was not entitled to vote or sit in the House during any debate, until he should have taken the oath of abjuration in the form appointed by law. To this Mr. Bethell moved as an amendment that both Baron de Rothschild and Mr. Salomons, having taken the oaths in the manner in which the House was bound by law to administer them, were entitled to take their seats as members of the house. The amendment was defeated by 118 votes to 71. After a fruitless motion for adjournment a further amendment was proposed "and that this House, having regard to the religious scruples of the Honourable Member for Greenwich, will exercise its undoubted privilege in that behalf, and proceed forthwith to cause such alterations to be made in the form and mode of administering the said oath as shall enable the Honourable Member to take and subscribe the same." After further discussion the debate was adjourned².

Meanwhile petitions were presented to the House on

¹ *Com. Jour.*, vol. CVI, p. 381; Hansard, *Parl. Deb.*, vol. 118, pp. 1143-1217.

² *Com. Jour.*, vol. CVI, pp. 386-7; Hansard, *Parl. Deb.*, vol. 118, pp. 1318-66.

behalf of the electors of the borough of Greenwich, praying to be heard by counsel at the bar in defence of their right to elect their own representatives, and also on behalf of the inhabitants of London, praying the house to forthwith adopt a resolution admitting Baron de Rothschild to his seat in the house and to hear counsel in support of the petition. These petitions were considered separately, and both were refused by substantial majorities, it being thought that the subject had been so thoroughly discussed that no further light could be thrown upon it. On the resumption of the adjourned debate the amendment pledging the House to alter the oath of abjuration was defeated by a majority of 38, and the original motion declaring Mr. Salomons not entitled to take his seat until he had taken the oath of abjuration carried by a majority of 55¹.

Such were the proceedings in the House of Commons; at the sitting last mentioned the Speaker had read to the House a letter which he had received from Mr. Salomons, in which the latter stated that actions had been commenced against him for penalties alleged to have been incurred for having sat and voted as a member of the house on the 21st of July. The action was tried in the Court of Exchequer by Baron Martin and a jury, which, under the direction of the learned judge, returned a special verdict embodying the facts already set forth. Upon this verdict a learned argument took place before the full Court of Exchequer on January 26 and 28, 1852. On behalf of Mr. Salomons four grounds were put forward for asserting that the penalties were not enforceable against him: (1) The oath of abjuration laid down by the statute contained the words "our sovereign Lord King George," and therefore it was submitted that since the reigning sovereign did not bear the name of George, the obligation to take the oath no longer existed.

¹ *Com. Jour.*, vol. CVI, pp. 406-7; *Hansard, Parl. Deb.*, vol. 118, pp. 1573-1629.

(2) That when the law imposes an oath upon any person, it not only permits but requires him to take it in such form as is most binding on his conscience. In Mr. Salomons' case this was with the omission of the words "upon the true faith of a Christian," which were not introduced as part of the substance of the oath, imposing a religious or political test, but as part of the form or manner in which the oath was to be taken, and might therefore be regarded as mere words of attestation, like the words "So help me God," which were actually omitted in the last act prescribing the form of the oath of abjuration¹. (3) That Mr. Salomons was authorized to take the oath in the way he did by the Oaths Act of 1838 (1 & 2 Vict., c. 105). (4) That he was enabled to do this by the provisions of 10 Geo. I, c. 4, which had by implication been kept alive by the annual indemnity acts.

As the judges differed in opinion, judgment was not given until April 19, when the Court entered judgment for the Plaintiff; Baron Martin dissenting. The difference was as to the second ground put forward by the Defendant; the other three points being purely technical and manifestly untenable. Baron Martin held that as the words "upon the true faith of a Christian" were originally inserted not as a test of Christianity, but for the purpose of making the oath more effectually binding upon the consciences of Roman Catholics, it would be absurd to insist upon a Jew pronouncing them; for it was only when these words were omitted that the oath was really obligatory and binding upon him, and the advantage contemplated by the statute secured. Had it been intended that the words should be of the substance and essence of the oath, and that no one except a Christian should be permitted to take it, it was competent for the legislature so to enact, but the statutes did not manifest any such intention.

The Chief Baron (Pollock) and the other two judges, on

¹ 6 Geo. III, c. 53.

the other hand, held that the words in question were an essential part of the oath; for a judicial and a promissory oath are different in their nature. A judicial oath may be modified so as to be made binding on the taker; because such an oath is governed by the law of nations, for justice is of all countries and climes; but an oath of office or qualification is governed by the municipal laws of the State which requires it to be taken, and by those laws alone. Where the very form of the oath is prescribed by the legislature, then the directions of the legislature must be literally followed, and the oath must, and can only lawfully be taken in the prescribed form, until that form be altered by the authority which appointed it. If the prescribed form is such as to exclude the adherents of any particular religious sect, it may be unjust, but it is not absurd. In this case the express words of the oath did exclude all but Christians, and no intention to include any who were not Christians could be collected either from the Act itself or the history of the times when it was passed.

Judgment was accordingly entered against Mr. Salomons, who thereupon appealed to the Exchequer Chamber. In May, 1853, that Court unanimously affirmed the decision of the Court below. After pronouncing the judgment of the Court, Lord Campbell, the Chief Justice, added, "We have only to declare what the law is, not what it ought to be. I regret that the Act ever passed so as to exclude the Jews, and my wish is that it should be repealed. But it is our duty to put the best construction we can on the Act of Parliament; and, in so doing, we entertain no doubt whatever that, according to the existing law, Jews are excluded from sitting in either House of Parliament¹."

¹ 8 Exch. p. 787. Baron Alderson had concluded his judgment in the Court below in a similar way, saying: "I do most sincerely regret, as a mere expounder of the law, to come to this conclusion—for I do not believe that the case of the Jews was at all thought of by the legislature when they framed these provisions. I think that it would be more worthy of this

A writ of error was lodged in the House of Lords, but was not proceeded with. Thus the legal validity of the proceedings which had taken place in the House of Commons was established; and Mr. Salomons was obliged to pay the fine of £500, and to retire from the House¹.

There is little doubt that the majority of the members of the House of Commons, though that majority was by no means overwhelming, was willing to admit Jews to the full privileges of membership, and recognized that it was only by a legal technicality that Jews were excluded. Still, while the law remained unchanged the House was resolved to administer it according to the letter. The efforts to obtain an alteration of the law were therefore renewed. In February, 1853, Lord John Russell, who was then Secretary of State for Foreign Affairs in Lord Aberdeen's coalition Ministry, again moved that the House should go into committee to take into consideration certain disabilities affecting the Jews, and, after an animated discussion, in which the old arguments were reiterated, the motion was carried by 234 votes to 205². A Jewish Disabilities Bill was accordingly brought in and read for the first time on March 1. It was opposed at all the remaining stages, the second reading being carried by a majority of 51, and the third by a majority of 58 votes³. The Bill was then sent up to the House of Lords, when the Prime Minister, the Earl of Aberdeen, who had on previous occasions voted against the removal

country to exclude the Jews from these privileges (if they are to be excluded at all, as to which I say nothing) by some direct enactment, and not merely by the casual operation of a clause intended apparently in its object and origin to apply to a very different class of the subjects of England" (7 Exch. p. 542).

¹ The case of *Miller v. Salomons* is reported in 7 Exch., 475, and 8 Exch., 778. See also 21 L. J., N. S., 161; 16 Jur., 375; and 8 St. Tr., new series, 111. For the want of prosecution of the appeal in the House of Lords see the debate on Lord Campbell's question in that House on July 21, 1857 (Hansard, *Parl. Deb.*, vol. 147, pp. 108-17).

² Hansard, *Parl. Deb.*, vol. 124, pp. 590-625.

³ *Ibid.*, vol. 125, pp. 71-118, 166-72, and 1217-90.

of Jewish Disabilities Bills, took charge of it. The rejection of the measure was moved by the Earl of Shaftesbury, and the Bill was refused a second reading by 164 votes to 115¹. The history of the previous Bills had led the supporters of this one to anticipate no other fate for it in the Upper House; indeed Mr. John Bright, addressing the House of Commons on this subject for the first time during the debate on the third reading, had roundly asserted that the only way of making it law, was for the Government to stake its existence as a Government upon its acceptance by the Lords, and urged the Government in case it was not passed to cast the responsibility of forming a Government upon those who voted for its rejection. Lord John Russell in winding up the debate declined to yield to this appeal, adding that he believed there would be no great resistance on the part of the House of Lords to the Bill, when once there was an overwhelming opinion in the country in its favour. "Although," he said, "we have for a long time had a majority in this house in favour of this question, I cannot say that we have anything more to urge upon the House of Lords at present than has been urged before. We have not to say—the Hon. Gentleman has forced me to the confession—that there is an overwhelming feeling in the country in favour of the measure"; it was, however, in conformity with other acts of toleration; it would be illiberal to refuse it because its benefit was confined to a small and insignificant body, and there were already signs that the members of the other house would soon be converted to its utility².

The following year, 1854, Lord John Russell, still being leader of the House of Commons, having the same end in view, elected to pursue a different line of policy, and introduced the Parliamentary Oaths Bill, the object of which was to substitute a single oath for the oaths of allegiance, supremacy, and abjuration, and the oaths appointed to be taken by Roman Catholics under the

¹ Hansard, vol. 126, pp. 754-96.

² Ibid., vol. 125, p. 1286.

Catholic Emancipation Act of 1829 (10 Geo. IV, c. 7). The terms of the new oath were as follows:—

“I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be found against her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the crown, which succession, by an Act intituled, ‘An Act for the further limitation of the Crown and better securing the Rights and Liberties of the Subject,’ is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly announcing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm; and I do declare that no foreign prince, prelate, person, state or potentate hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm. So help me God.”

The words “on the true faith of a Christian” were not contained in the new oath, and therefore the passage of the Bill into law would have entailed the admission of the Jews to Parliament. The Bill was allowed to be read a first time without a division, but serious opposition at a later stage was threatened by Sir Frederic Thesiger. It was obvious that the Bill did three things: (1) it altered and simplified the form of oath; (2) it abolished the Roman Catholic oath, appointing one form of oath to be taken by members of all creeds; (3) it admitted the Jews to Parliament. When the discussion on the second reading took place, the threatened opposition manifested itself,

and was directed as much against the alteration of the Roman Catholic oath as against the concession to the Jews. Lord John Russell in vain declared that the only subject before the House was the admission of Jews to Parliament, and that his Bill did nothing more than embody the provisions of the different bills for that purpose, which had been sent up to the House of Lords, and been rejected. Mr. Disraeli and others replied that they had consistently advocated and voted for the removal of Jewish disabilities, and would vote for the present measure if it was confined to that, but that in view of the controversy which had recently been aroused by the Papal claims, they were unable to vote for its second reading, which was ultimately refused by 251 votes to 247¹.

The narrowness of the majority, as well as the speeches made in the debate, indicate that the Bill, had it been introduced in a different form, would have successfully passed through the House of Commons, but the result was that the cause of Jewish emancipation was again delayed, and this time by a vote of the House of Commons.

No attempt to renew the controversy was made during the following year, which saw the downfall of the coalition Ministry and the formation of Lord Palmerston's first Cabinet; but early in the Session of 1856 Mr. Milner Gibson, the Free Trade member for Manchester, introduced a Bill to abolish the oath of abjuration. The final words of this oath constituted the only impediment to Jews occupying a seat in Parliament, and it was the avowed object of the proposer of the new Bill to remove this disability; at the same time it was admitted on all hands that the oath of abjuration had become obsolete, and that since there were no longer any descendants of the Pretender to claim the throne, there was no necessity to require the Queen's subjects to renounce and abjure allegiance to them. The Bill, though not a Government measure, received the support of the Prime Minister, Lord Palmerston, and

¹ Hansard, vol. 130, pp. 272-88; *ibid.*, vol. 133, pp. 870-974.

his followers, subject to the insertion of a clause, which was subsequently moved by Lord John Russell, providing for a declaration as to the maintenance of the Protestant Succession to the Throne; Lord Palmerston himself answering the objection that the Bill would admit Jews to Parliament by indirect means by the statement that the obstacle which prevented them from sitting had been only indirectly and unintentionally erected. Mr. Disraeli made a remarkable speech on the second reading of the Bill, giving it his support but saying that he would prefer to retain the words on the true faith of a Christian, and give special exemption to the Jews by a separate clause. Christianity itself owed its very existence to the efforts and exertions of a Jew, and a Christian community more than any other was bound to show the Jews respect¹. The second reading of the Bill was carried by 230 votes to 195, and though at the third reading Sir F. Thesiger proposed an amendment restoring the clause ending with "upon the true faith of a Christian," the amendment was rejected by 159 votes to 110, and the Bill was sent up to the House of Lords. In that House the second reading was bitterly opposed; and on the motion of Earl Stanhope refused by 110 to 78 votes².

In the April of the following year, 1857, a general election took place, the result of which was to retain Lord Palmerston in power with a substantial majority in the House of Commons. Baron de Rothschild was again returned as one of the members of the City of London. The Jewish question was not allowed to remain long dormant. As early as May 15 the Prime Minister himself presented the Oaths Bill to the House of Commons, the object of which was to substitute a single oath for the oaths of allegiance, supremacy, and abjuration. In asking leave

¹ Hansard, vol. 141, pp. 752-5. His peculiar theory is developed in the twenty-fourth chapter of his *Life of Lord Charles Bentinck*.

² Ibid., vol. 140, p. 1288; *ibid.*, vol. 141, pp. 703-59; *ibid.*, vol. 142, pp. 595-605, 1165-97, 1772-1805.

to bring in the Bill, Lord Palmerston in the first place apologized to Lord John Russell for taking the subject out of his hands. He then explained that the Bill did not in any way interfere with the oath to be taken by Roman Catholics, which would remain the same as it had been since the Catholic Emancipation Act of 1829. The new oath embraced the old oath of allegiance, and those parts of the oaths of supremacy and abjuration which were applicable to the circumstances of the time, but omitted such parts of those oaths as had become obsolete, such as abjuring the Pretender and his descendants, and did not contain the words "on the faith of a Christian¹." In consequence Jews would be allowed to sit and vote in Parliament. The only argument for excluding them, was that it was a Christian Assembly, but would the admission of a few Jews shake the Christian Religion? He had often heard of Jews becoming Christians but never of Christians becoming Jews; the Old Testament had prepared the way for the New Testament, but the New would never lead back to the Old Testament. Sir Frederic Thesiger gave a history of the previous measures on the subject and, though he did not oppose the introduction of the Bill, announced his intention of doing so at a later stage. The Bill was accordingly brought in and read a first time without opposition².

The second reading stage was also passed without opposition; for, before it was reached, Sir F. Thesiger announced that the new oath was in many respects an improvement upon the old oaths, and that his objection to it was that it might be taken by persons who did not declare themselves Christians. He would not therefore oppose the

¹ The wording of the new oath was primarily the same as that of Lord John Russell's Bill of 1854 (see *supra*) except that the words "jurisdiction, &c., ecclesiastical or spiritual" were substituted for "temporal or civil jurisdiction" in the last clause of the oath, the reason for the alteration being that Roman Catholics were not to be required to take the new oath.

² Hansard, vol. 145, pp. 318-38.

second reading, but would propose in committee the addition of words which would preserve the Christian character of the oath. At the committee stage he accordingly moved as an amendment that the following words be added at the end of the new oath:—

“And I do make this promise, renunciation, abjuration, and declaration, heartily, willingly, and truly, on the true faith of a Christian.”

The amendment was debated with the same keenness that had been exhibited on former occasions, but it was manifest that the ranks of the opponents of Jewish emancipation were becoming thinner. Sir John Pakington, one of the leading Tories in the House, declared that though he had on previous occasions voted for the exclusion of the Jews, he was now on further consideration ready to admit them, and should vote against the amendment, though he thought it would have been better to have retained a profession of Christianity in the oath, and to have made a special provision to enable Jews to omit that part of it. When the amendment was at length put to the House, it was rejected by the substantial majority of 140; 201 members voting for and 341 against it¹.

At the Report stage the Government consented to the insertion of clauses in the Bill disabling Jews from holding the high offices of State, from which Roman Catholics were excluded by the Catholic Emancipation Act of 1829, and from exercising any ecclesiastical patronage which might be attached to offices they might hold. Nevertheless the third reading of the Bill was opposed but finally carried by 291 to 168 votes².

Thus under the auspices of the Government, and with an overwhelming majority in its favour in the House of Commons, the Bill was sent up to the House of Lords; where its second reading was moved by Earl Granville, at

¹ Hansard, vol. 145, pp. 1101, 1341, 1794-1857.

² Ibid., vol. 146, pp. 143-8, 347-65.

that time President of the Council. The Earl of Derby, the leader of the Tory opposition, moved its rejection, and was immediately followed by the aged Lord Lyndhurst, the former Tory Chancellor, who made a powerful speech in favour of the Bill. After a long debate, in which the most telling speeches were made by Lord Bingham in favour of, and by Wilberforce, Bishop of Oxford, against the Bill, the second reading was refused by 171 votes to 139¹.

The friends of Jewish emancipation were not willing to let the matter rest. A week later, in the House of Commons, Lord John Russell pressed the Government to give facilities for the passage of a new Bill to remove Jewish disabilities which he was about to introduce, but Lord Palmerston, thinking that he had done enough by the introduction of his own measure and its successful passage through the Lower House, was unable to promise a day for the discussion of the new Bill². It was known as the Oaths Validity Act Amendment Bill, and its object was to extend the principle of the Oaths Act of 1838 (1 & 2 Vict., c. 108), which enables persons to take an oath according to the form and ceremony binding on their own conscience, so as to make it to apply to the oaths to be taken by Members of Parliament. On July 21 Lord John Russell moved for leave to bring in the Bill. The House, he said, had already affirmed the principle of religious liberty by a majority of 140, and ought not to be baffled by an adverse vote of the House of Lords. It was open to them to admit a Jewish member by Resolution, but that would bring them into conflict with the other House; the measure, he now proposed, if carried, would settle the question without any risk of such a contest, and if strenuously supported by the Government would have a fair chance of passing both Houses; while in any case its introduction would show that they did not partake of the apathy of resting content with what had already been done.

¹ Hansard, vol. 146, pp. 1209-78.

² Ibid., pp. 1699-1704.

The motion for leave to bring in the Bill was opposed by Mr. Walpole, who stated that he took this somewhat unusual course for three reasons. In the first place its introduction, after a Bill for effecting the same object had already been before the House that session, was an evasion if not a breach of the rules of the House; in the second place it was likely to lead to a conflict with the House of Lords; and thirdly there was no proper time for the discussion of the measure. In the course of the debate the Prime Minister, Lord Palmerston, expressed his cordial consent to the motion for leave to bring in the Bill, but reserved for future consideration the question whether he should give it his support in its future stages, and refused to postpone Government business for the purpose of pressing the Bill forward. The motion was carried by 246 votes to 154, and the Bill read a first time. The second reading stage was postponed by its author, and ultimately abandoned, with a notice that a similar measure would be introduced next session¹.

In the meantime Baron Rothschild had applied for and obtained the Chiltern Hundreds, and been re-elected by the citizens of London. There was some anticipation that he would attempt to take his seat and obtain a resolution from the House allowing him to omit the obnoxious words of the oath, and threatening with the penalties of breach of privilege any one who might sue him for penalties in consequence of his sitting or voting without taking the oath. Such a course would almost inevitably have caused a collision between the House of Commons and the courts of law, and, although it may have been contemplated, was never in fact attempted.

On the other hand, Lord John Russell on August 3 moved in the House of Commons for the appointment of a Select Committee to consider whether the Statutory Declarations Act of 1835 (5 & 6 Will. IV, c. 62), which

¹ Hansard, vol. 146, pp. 1772-80; *ibid.*, vol. 147, pp. 134-95, 684, 929, 1287.

permits a statutory declaration, containing nothing objectionable to Jews, to be substituted for an oath in certain cases, was applicable to the oaths appointed to be taken by Members of Parliament. Though there was some discussion, no division was challenged on the motion, and the Committee was appointed. In due course the Committee, having arrived at the decision by only a narrow majority, reported that the provisions of the Act were not applicable to the oaths which members of the House were bound to take before taking their seats. The report was laid upon the table and ordered to be printed. No further step in the controversy was taken during the session¹.

The acute commercial crisis in the latter part of 1857 rendered an autumn session necessary, and Parliament was hastily summoned to meet in the month of December. In an interval not taken up by Government business, Lord John Russell brought in a Bill "to substitute one oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for the Relief of her Majesty's Subjects professing the Jewish Religion," which subsequently became known by the shorter title of the Oaths Bill. The oath now proposed was the same as that contained in the Government's abortive measure of 1857, but with the addition at the end of the following words, "And I make this Declaration upon the true faith of a Christian." On the other hand, clause 5 of the Bill provided that a person of the Jewish persuasion to whom the oath was administered might omit this final sentence. The Bill also contained a clause to extend the Jewish Disabilities Removal Act of 1845 (which applied only to admission to municipal offices) to all offices on admission to which the Declaration prescribed by the Act of 1828 for repealing the Corporation and Test Acts (9 Geo. IV, c. 17) had to be made and subscribed. The Bill was presented and read a first time, but the second reading was deferred until after the Christmas recess. On February 10, 1858, the Bill was set down for

¹ Hansard, vol. 147, pp. 811, 933-60, 1010-20, 1119, 1223, 1287.

second reading, and at this stage also no division was challenged, but Sir F. Thesiger announced that he would move the omission of the fifth clause when the House went into Committee on the Bill¹.

In the meantime Lord Palmerston's Government fell, being defeated in the House of Commons on the second reading of the Conspiracy to Murder Bill, which had been introduced by the Cabinet in deference to the wishes of the French Government on account of the unsuccessful attempt to assassinate the Emperor Napoleon. The Earl of Derby and the Conservative party came into office, but yet the change of Ministry was not thought to militate against the successful termination of the contest for Jewish emancipation. The former Ministry, though proclaiming themselves the friends of religious liberty, had never been really united in support of any of the numerous Jew Bills, and on the last occasion one influential member of the Cabinet had sanctioned the course adopted by the House of Lords by ostentatiously walking out of the House without voting. On the other hand several members of the new Ministry, including Mr. Disraeli, the leader in the House of Commons, Sir John Pakenham, the first Lord of the Admiralty, Lord Stanley, the Prime Minister's son, and Sir Fitzroy Kelly, the Attorney-General, were keen advocates of Jewish emancipation, and the Earl of Derby himself, though he had led the opposition to the previous Bill in the House of Lords, now that he had become Prime Minister was known to be wavering and ready to accept a compromise if any could be suggested, which without having the appearance of a complete surrender on the part of the Upper House might bring to an end the prolonged struggle between the two Houses.

In due course the House of Commons went into Committee upon the Bill. Sir F. Thesiger having become Lord Chancellor, and transferred to the House of Lords, it was left to Mr. Newdegate to move the omission of clause five,

¹ Hansard, vol. 148, pp. 469-99, 1084-1118.

which made special provision in favour of Jews when called upon to take the new oath. The motion did not however command the assent of one third of the members taking part in the division, and was defeated by a majority of 153; 144 members voting for it and 297 against it. The Bill passed through committee intact, and in due time received its third reading¹.

The next day the Bill was read a first time in the House of Lords. The following week the second reading was moved by Lord Lyndhurst and agreed to without a division, but the Earl of Derby announced that though several of his colleagues were in favour of clause five, he himself could see no reason for altering the course he had followed on previous occasions, and that he would vote for the omission of the clause when the House went into committee. At that stage the new Lord Chancellor, Lord Chelmsford, formerly Sir Frederic Thesiger, moved the omission of the clause. Lord Lyndhurst led the opposition to the motion, which was carried by 119 votes to 80, but the clause extending the benefit of the Jewish Disabilities Removal Act, 1845, to the case of Jews appointed to other than municipal offices was allowed to pass, and the Bill as amended was read a third time on the last day of April without opposition².

When the Bill thus emasculated was returned to the House of Commons, its author, Lord John Russell, stating that the chief value of the Bill had lain in the clause regarding the admission of Jews to seats in Parliament, moved that the House should disagree with the Lords' amendments. After some discussion the motion was carried, and it was also resolved that a Committee be appointed to draw up reasons to be assigned to the Lords for disagreeing with their amendments. When the names of the Committee had been decided upon, Mr. Duncombe moved "that Baron Lionel Nathan de Rothschild be one

¹ Hansard, vol. 149, pp. 294-305, 442, 466-550, 946.

² Ibid., pp. 946, 1477-86, 1758-97, 2009.

other member of the said Committee." The debate on his motion was adjourned in order to enable the precedents as to the legality of such a nomination to be searched. At the adjourned debate many members thought the nomination improper and inexpedient, though all agreed that it was not illegal, and the motion was carried by 251 to 196 votes¹.

The appointment of Baron de Rothschild as a member of the Committee was a master-stroke in the constitutional skirmish which was being maintained between the two Houses. It was a convincing proof of the absurdity of the position which the Lords maintained. The Act of George the First (1 Geo. I, stat. 2, c. 13), under which Alderman Salomons had been mulcted and driven from the House, imposed penalties upon Members of Parliament, who had not taken the oaths, only in case they voted or sat in the House during a debate, but neither that nor any other Act punished an unsworn member for exercising any of the other privileges attaching to membership of the House. One of these was the important right of sitting upon a Committee, if appointed by the House; though in order to establish this it was necessary to search the precedents as far back as the year 1715, in which year it was resolved that Sir Joseph Jekyll being a member of the House was capable of being chosen of a Committee although he had not been sworn at the Clerk's table². The exercise of such important functions by a Jew, which the Lords were powerless to prevent, clinched the argument advanced by Lord John Russell that it was only by a sort of legislative fraud that Jews were excluded from the full rights of membership of Parliament, and also demonstrated to the House of Lords the futility of their insisting on debarring from the full rights of membership of the Lower

¹ Hansard, vol. 150, pp. 336-54, 430-443.

² 18 *Com. Jour.*, p. 59. Sir Joseph Jekyll was Chief Justice of the County Palatine of Chester, and his absence on circuit was the reason for his not having taken the oaths. See Cobbett, *Parl. Hist.*, vol. VII, p. 57.

House, one whom that House was ready and willing to admit. Without delay the Committee drew up the reasons which were read in the House and agreed to: they were as follows:—

“1. Because the words ‘on the true faith of a Christian,’ were originally introduced into the oaths to be taken by Members of Parliament with a view to bind certain Roman Catholics, and were not intended for the purpose of excluding persons of the Jewish religion.

“2. Because the exclusion of British subjects from seats in Parliament and offices in the State on the ground of their religious opinions is contrary to the general maxims of freedom of conscience.

“3. Because no charge of disloyalty or unfitness for public employment, and a fair share of legislative power has been alleged, or can be alleged, against the Jewish community.

“4. Because the infliction of disabilities upon any class of Her Majesty’s subjects, solely on the ground of their conscientious adherence to their faith, savours of persecution, and is totally inconsistent with those principles of religious liberty, which, in the case of more powerful communities, have been applied by Parliament with such happy effects.

“5. Because the Commons having already on ten previous occasions, and in five Parliaments, passed Bills for removing the civil disabilities of the Jews, and having of late years agreed to such Bills by constantly increasing majorities, are convinced that the opinion of their constituents, and of the country at large, has been irrevocably pronounced in favour of the removal of such disabilities.

“6. Because such Bills have been supported by many of the most eminent Members of both Houses of Parliament, who, while differing upon other political questions, have concurred in the justice and expediency of measures for the relief of the Jews.

"7. Because the rights of the Electors of the United Kingdom have been peculiarly affected by a law which has been construed to prevent the admission to the House of Commons of persons who have been lawfully returned as members of that House.

"8. Because the first and third clauses of the Bill are open to the construction that the new Oath, which the former of them contains, should be taken not only in all cases where the Oaths of Allegiance, Supremacy, and Abjuration, are now required, but also where the Oaths of Allegiance and Supremacy are at present required, though without the Oath of Abjuration; the result of which construction, if the Bill should pass into law without the fifth clause, would be to exclude the Jews from practising as solicitors and barristers, and from offices under the Crown, to which employments and offices they are now admitted.

"9. Because such result would be contrary to the intention of the two Houses of Parliament, appearing from the sixth clause, and from the title of the Bill under consideration¹."

The House of Commons further decided to request a conference with the Lords, which the Lords agreed to, and the Commons subsequently appointed the members of the Committee, including Baron de Rothschild, to manage the Conference on their behalf. The Conference was duly held, and the reasons delivered to the Lord Chamberlain who conducted it on behalf of the Upper House².

When the report of the Conference came up for consideration in the House of Lords, the Earl of Lucan, of Crimean fame, a staunch supporter of the Tory party who had always hitherto consistently voted against the different Jew Bills, moved an amendment to the effect that it should be lawful for either House of Parliament, when the oath was administered to a Jew prior to his taking his seat

¹ *Com. Jour.*, vol. 113, p. 172.

² *Hansard*, vol. 150, pp. 529-30, 763, 859.

in the House, by resolution to determine that the form of the oath, so far as it referred to the Christian faith, should be modified in such manner as should seem best calculated to adapt it to the honest and conscientious scruples of persons professing the Jewish religion.

The proposal took the House somewhat by surprise, being made by Lord Lucan *proprio motu* without consultation with any political party or group. It nevertheless met with a favourable reception. Earl Stanhope, who had led the opposition to Mr. Milner Gibson's Bill of 1856, announced that he would no longer offer an uncompromising opposition to the admission of Jews to Parliament, and if the amendment now before the House should be pronounced by Lord Lyndhurst, who had throughout led the cause of Jewish emancipation, to be a fair settlement of this long-agitated question, he also was prepared to vote for it. More significant still was the position taken up by the Prime Minister, the Earl of Derby. He expressed his desire to come to a reasonable compromise with the House of Commons. If it were a question of policy or expediency, their duty was to yield to the determined expression of the views of the House of Commons, and to waive their own opinions, unless they felt that they were supported by the country. But it must be admitted that the country was extremely apathetic on the question. Lord Lucan's suggestion might be a plausible solution of the difficulty, but it would require consideration, and would have to be put into shape. Moreover, he thought, it would best be carried out by being embodied in a separate Bill. In the meantime the proper course was for the Lords to insist upon their amendments. The Earl of Malmesbury, the Secretary of State for Foreign Affairs, concurred in the Prime Minister's views, and after some discussion Lord Lucan withdrew his amendment.

Lord Lyndhurst then moved that the House should not insist upon its amendments; and was answered by the Lord Chancellor, who went through and severely criticized the

reasons put forward by the Lower House. Earl Granville and Lord Brougham appealed to the mover not to persist in his motion, considering that the cause of Jewish emancipation had made such an advance that evening owing to the attitude of Lords Derby and Malmesbury that it might be considered to be practically won. Lord Lyndhurst adopted this suggestion, and withdrew his motion, expressing the hope that the spirit of conciliation would survive. Accordingly the Lords resolved to insist upon their amendments, and appointed a Committee to prepare reasons to be offered to the Commons therefor¹.

The following week two Bills, each intended to carry out the compromise arrived at, were presented in the House of Lords, and read a first time; they were Lord Lyndhurst's Bill to substitute one oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for relieving the religious scruples of certain of Her Majesty's subjects, and Lord Lucan's Jewish Relief Bill. The discussion of these rival measures was postponed from time to time owing to the indisposition and consequent absence of the Prime Minister. At length, when the Bills reached the second reading stage, the Earl of Derby expressed his preference for Lord Lucan's Bill on the ground that it was more in accordance with Parliamentary procedure. Thereupon Lord Lyndhurst desiring only to attain the end in view, and having no personal object to fulfil, postponed and ultimately withdrew his Bill, which had become known as the Oaths Substitution Bill. Lord Lucan then proceeded to move the second reading of his Bill, which as originally drafted contained two clauses only. The first empowered either House of Parliament to resolve that thenceforth any person professing the Jewish religion, when taking the oath substituted by the Oaths Bill of the present session for the Oaths of Allegiance, Supremacy, and Abjuration, might omit the words "And I make this declaration upon the true faith of a Christian," and so

¹ Hansard, vol. 150, pp. 1139-93.

long as such resolution continued in force made the taking of the oath in such modified form valid so as to enable the taker to sit and vote in Parliament; the second enabled persons professing the Jewish religion to omit the above-mentioned words in the said oath in all other cases in which they might be required to take it. Despite the understanding which had been arrived at by the leaders on both sides of the House, the motion for the second reading was stubbornly opposed, but was carried by 143 votes to 97¹.

At the Committee stage two additional clauses were inserted, the first excluding Jews from holding the high offices of state from which Roman Catholics were excluded by the Catholic Emancipation Act of 1829. This clause, as we have seen, was subsequently repealed by the Promissory Oaths Act of 1871. The second, which is still in force, was also borrowed from the Catholic Emancipation Act, and conferred upon the Archbishop of Canterbury the right of presentation to any ecclesiastical benefice which belonged to any office in the gift of the crown which might be held by a person professing the Jewish religion, and disabled any person professing that religion from directly or indirectly advising the Crown as to the exercise of its ecclesiastical patronage.

The third reading was also opposed, but was carried by thirty-three votes to twelve, and even then eight peers recorded their solemn protest against the Bill².

Meanwhile the committee had framed the report of the Lords' reasons for insisting on their amendments to the Oaths Bill. After some discussion in the House these reasons were finally settled and sent down to the House of Commons along with the Jewish Relief Bill. In their final form they were as follows:—

“1st. Because, although the words ‘on the true Faith

¹ See Hansard, vol. 150, pp. 1600, 1998–2000, 2218; *ibid.*, vol. 151, pp. 154–5, 693–730.

² *Ibid.*, vol. 151, pp. 916–30, 1070–4, 1257–66.

of a Christian' were originally introduced into the Oath for the immediate purpose of binding certain Roman Catholics, it is unreasonable to assume that the Parliament which so introduced them did not intend that the profession of Christianity should be a necessary qualification for admission to the Legislature, when they enacted that a Declaration of that faith should form part of the Oath required to be taken by every member of both Houses.

"2nd. Because the constant intention of the Legislature may be further inferred from the fact that neither at the time of the introduction of these words were the Jews admissible nor have they at any subsequent period been admitted to sit and vote in either House of Parliament.

"3rd. Because exclusion from seats in Parliament and offices of the State on the ground of religious opinion and for other reasons where the general good of the State appears to require it, is a principle recognized in the settlement of the succession to the Crown and in other cases; and has, moreover, been further and recently sanctioned by the House of Commons in some of the provisions of the present Bill.

"4th. Because, without imputing any disloyalty or disaffection to Her Majesty's subjects of the Jewish persuasion, the Lords consider that the denial and rejection of that Saviour, in whose name each House of Parliament daily offers up its collective prayers for the divine blessing on its councils, constitutes a moral unfitness to take part in the legislation of a professedly Christian community.

"5th. Because, when the Commons plead in support of their views, in a matter which equally concerns the constitution of both branches of the Legislature, their repeated recognition of the expediency of removing this disability of the Jews, and admitting them to their councils, the Lords desire to refer to their equally firm adherence to the principle of retaining those privileges which they believe to be peculiarly and inseparably

attached to Parliament as an exclusively Christian Assembly¹."

The next day the Jewish Relief Bill was read for the first time in the House of Commons, and Lord John Russell made a motion for the adjournment of the House in order to explain the course he proposed to adopt. He would move the second reading of the new Bill, and ask the government for facilities for carrying it through its remaining steps before the end of the session. If this were done the House might concur in the Lords' amendments to the Oaths Bill without proceeding to discuss their reasons. He would, of course, have preferred that the Lords should have said that the object in view, namely, the admission of Jews to sit and vote in that House, would have been better provided for in a separate Bill, instead of giving reasons why no Bill of the kind should pass at all. He was, however, assured that the course taken was not intended as an insult to the House of Commons, and the compromise, by which the Lords merely retained the right to exclude a Jew, if created a peer, from their own House, he was willing to accept as the best practical solution of the question, hoping, as he did, that in course of time Jews would be admitted into the other House also. Mr. Disraeli, as leader of the House of Commons, at once consented to grant the facilities asked for, and the motion was by leave withdrawn².

The Bill was rapidly passed through the House of Commons; its rejection was moved on the second reading by Mr. Newdegate, who could only muster 65 supporters against 156 opponents of his motion. It went through committee and was reported without amendment. Yet on the motion for the third reading the opposition was again renewed. It was led by Mr. Warren, who declared that the settlement was one in which nothing was settled and that from the moment that the Bill became law would

¹ Hansard, vol. 151, pp. 156, 262, 1243-57.

² Ibid., pp. 1369, 1371-80.

date the decline of the moral and religious influence of the House of Commons. On the division being taken, 129 voted for, and 55 against the third reading. The same evening the House took into consideration the Lords' Amendments to the Oaths Bill and the reasons given for insisting upon them, and passed the following resolutions: (1) "That this House does not consider it necessary to examine the reasons offered by the Lords for insisting upon the exclusion of Jews from Parliament, as by a Bill of the present session intituled 'An Act to provide for the relief of Her Majesty's subjects professing the Jewish religion,' their lordships have provided means for the admission of persons professing the Jewish religion to seats in the Legislature." (2) "That this House doth not insist upon its disagreement with the Lords in their amendments to the said Bill."

Two days afterwards, on July 23, 1858, the Royal Assent was given to both the Jewish Relief Bill and the Oaths Bill¹.

The following Monday Baron Lionel de Rothschild again appeared at the table of the House, and was allowed to take the new oath with the omission of the final words, a resolution to that effect having been first proposed by Lord John Russell, and carried by a majority of thirty-two. He was thus at length permitted to take his seat in the House of which he had been a member for eleven years, in the course of which he had been returned as the representative of the city of London no less than five times, at three general and two bye-elections².

The controversy which had divided the two Houses for ten years was thus settled in a way peculiarly consonant to the trend of English constitutional history. The settlement seems to be destitute of principle and innocent of logic, but it was sufficient to meet the difficulty which had actually arisen; its form, moreover,

¹ Hansard, vol. 151, pp. 1614-36, 1754-62, 1863-5, 1879-1906, 1967.

² *Ibid.*, pp. 2105-15.

was so clumsy that it was in a short time found necessary to amend it. It was said to be a compromise, but it was in fact no compromise, for the whole point at issue was conceded. It is true that the Lords retained the right to prevent a Jewish peer from taking his seat in their House, but there was no intention at that time of making a Jew a peer, and before such a creation became a question of practical politics the Lords had voluntarily surrendered this very questionable privilege. On the other hand the House of Lords may have been thought to have saved its dignity and justified itself in the position it had taken up, for it had all along been maintained that the question did not concern the Lower House alone, and the Lords, while desiring to maintain the exclusively Christian character of the legislature, disclaimed any intention to interfere with the right of the other House to decide upon the validity of the returns and the admission of members elected to it. At any rate a collision between the two Houses or between the House of Commons and the Law Courts had been avoided, and in spite of the absurdity of the result achieved, when looked at from the merely formal point of view, religious liberty had in substance emerged triumphant.

The ultimate issue was probably hastened by the advent to office of a Conservative Ministry, although the chief opponents of Jewish emancipation had always been found in the ranks of that party. Yet the successive Tory leaders of the House of Commons, Sir Robert Peel, Lord George Bentinck, and Mr. Disraeli, had been staunch adherents of the cause of religious liberty. Had the Liberal party remained in power, there is no reason to doubt that the majority of the House of Lords would have continued to reject any Jewish Relief Bills sent up to them, so long as the ministry declined to make its acceptance a cabinet question; but when the Conservatives came into office they found it necessary to have the standing cause of difference

between the two Houses removed, especially as it was only by the forbearance of their opponents that they could count on a majority in the House of Commons, and they were only carrying on the government until it was convenient to hold a general election. It would have suited neither party to make the Jewish question a ground of appeal to the country. Both the friends and enemies of religious freedom professed their belief that the country was behind them, but neither were willing to stake their political existence upon such an issue. The fact was that, taking the country as a whole, complete apathy upon the subject reigned among the electors. Lord Palmerston was right therefore from the political point of view in not placing the matter in the forefront of his programme; and Lord John Russell himself, while he remained in the cabinet, had not succeeded in converting the whole of his followers to the cause. Indeed, the measure he brought forward in 1854 had actually been defeated in the House of Commons, and he himself was thought to have become so lukewarm that the next Bill (that of 1856) was entrusted by the Jewish partizans to Mr. Milner Gibson.

From the selfish point of view there can be little doubt that the Liberals did right in not making Jewish emancipation one of the issues of party conflict, and, moreover, its exclusion from the arena of party politics was of no little advantage to the Jews themselves, for if they had come to be regarded as the special favourites of one of the great political parties in the State, they would assuredly have been looked upon with dislike, if not with hostility, by the other. Experience has shown that it is to the leaders of political parties, more than to the rank and file of their followers or the electors as a body, that a small community like the Jews must look when it requires special treatment or protection. On the one occasion when a policy of justice to the Jews had been made the subject of an appeal to the people, viz. the Naturalization of Jews Act, 1753, the result had proved disastrous to the cause of

religious liberty. The lapse of time and the extension of education, though they may have eradicated many popular prejudices, have not so altered the character of the populace as to make it welcome a policy of altering the law in order to secure political equality to the Jews with any great amount of enthusiasm.

Before returning from this digression it should further be remarked that throughout the controversy the Jews acted in an open and conscientious way. Over and over again Mr. Roebuck declared in the House that, were he a Jew, he would take the oath, including the words "on the true faith of a Christian," though he would have regarded them as a mere farce and not binding on his conscience; and no doubt it was a case in which, if ever, the maxim of Euripides might be acted upon:—

ἡ γλῶσσ' δμώμοχ', ἡ δὲ φρῆν ἀνώμοτος¹.

To their credit, however, Baron de Rothschild and Mr. Salomons pursued a different course with the unanimous approval of their co-religionists. Had they chosen to follow Mr. Roebuck's advice, it was admitted by the opponents of Jewish rights that they could not have been excluded, for, as Sir Frederic Thesiger put it, it was impossible to bind an unconscientious man by any oath².

The inconvenience of the machinery provided for carrying out the so-called compromise soon became manifest. The doors of Parliament had been opened to the Jew, but he could not enter as of right, for every session³ a resolution must be passed enabling such Jews as might desire to

¹ Eur., *Hip.*, 612.

² However, means were taken by the House of Commons to prevent Mr. Bradlaugh from taking the oath which he had previously declared was not binding on his conscience. But this was a quarter of a century later. The legality of that decision of the House of Commons was affirmed by the Law Courts. See *Bradlaugh v. Gossett* (1884), L. R., 12 Q.B.D. 271.

³ For it was held that a resolution did not remain in force after a prorogation. Report of Committee, Session I, 1859, No. 205.

take the oath to omit the final words, and such resolution might be opposed, and was liable to be defeated on each occasion. To remedy this defect an Act of Parliament was passed two years later enabling the House of Commons to convert a resolution arrived at under the Jewish Relief Act of 1858 into a Standing Order, which would remain valid and in force until repealed, and therefore obviate the necessity of passing a fresh resolution every session¹.

Six years later Parliament was again called upon to deal with the question. The result was the Parliamentary Oaths Act of 1866 (29 & 30 Vict., c. 19). This Act substituted a new and simplified oath, which did not contain the words "on the true faith of a Christian," as the oath to be taken by members of both Houses of Parliament, in lieu of the oaths laid down by the Oaths Act of 1858 and the Roman Catholic oath, the form of which was laid down by the Catholic Emancipation Act of 1829. The object of the new Act, like that of Lord John Russell's unsuccessful measure of 1854, was to create a simplified and uniform oath which all members of Parliament alike might take, to whatever religious denomination they might belong². It incidentally upset the so-called compromise of 1858 by depriving the House of Lords of the right to exclude a Jewish peer which they then retained. It met, however, with no serious opposition in either House of Parliament, and the point to which

¹ See the statute 23 & 24 Vict., c. 63, and see Hansard, vol. 157, pp. 960-63, 1916-9; *ibid.*, vol. 158, p. 305; *ibid.*, vol. 159, p. 1507; *ibid.*, pp. 1745-50.

² The wording of the new oath as finally settled was as follows: "I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria; and I do faithfully promise to maintain and support the succession to the Crown, as the same stands limited and settled by virtue of the Act passed in the reign of King William the Third, intituled 'An Act for the further limitation of the Crown, and better securing the rights and liberties of the Subject,' and of the subsequent Acts of Union with Scotland and Ireland. So help me God." The debates on the measure are to be found in Hansard, vol. 181, pp. 453-9, 1712-37; and vol. 182, pp. 289-314, 480-3, 510-18, 1322-55, 1619-28, 1759, 2176.

substantial criticism was directed was the alteration in the Roman Catholic oath. So far as it related to the Jews, Sir George Grey, the Chancellor of the Exchequer, in introducing the Bill, fairly explained its scope to the House of Commons. He said, "The members professing the Jewish religion sat now in that House not by absolute right, but by sufferance, the result of a compromise adopted to terminate a long struggle, but it was impossible not to see that that arrangement must be temporary. Those gentlemen had sat there for some years, and it would be absurd to ask if any danger had arisen to the Crown, the Church, or the Constitution from Jews sitting in that House. They had taken part with credit to themselves in the discussions of the House, and had performed their duty with integrity and ability. He thought the time was come when the members professing the Jewish religion should be admitted to all the privileges which were enjoyed by the members of other religious denominations. By the adoption of the measure he proposed members would be relieved from the necessity, on coming to the table after a general election, of ranging themselves in three divisions on taking the oaths. Let no man be asked any question as to his religion, but let him take his seat in the House if qualified to sit there, in the opinion of those who sent him there, on taking the oath of allegiance as a loyal subject of the Crown¹."

When the Bill reached the House of Lords, Lord Chelmsford, who years before had been the leading opponent of Jewish emancipation, proclaimed himself content with the new proposal. Before the second reading he said: "With regard to the omission of the words 'upon the true faith of a Christian' I have always contended against the admission of Jews to Parliament as a matter of principle. I have never thought that there was the slightest danger to the state in admitting a few Jews to the legislature; but upon principle, and upon principle alone, I have main-

¹ Hansard, vol. 181, p. 456.

tained my opposition. Now, in the year 1858 an Act was passed which involved a compromise upon this long-vexed question, and it was enacted that either House of Parliament might by a resolution dispense in the case of a Jew with those words of the oath which declares it to be taken 'upon the true faith of a Christian'. Now, my Lords, it appears to me that the principle is as much violated by admitting a Jew by the side door of a resolution as it would be if you admitted him by throwing open the principal door, and giving him a seat in Parliament by the express words of the Act itself. Therefore, in my view, there really is on this subject nothing left worth contending for, and I am not at all disposed, having certainly failed in maintaining the principle which I defended, to take any further part in resisting the complete admission of the Jew to his seat in the legislature¹." Again, at a later stage, when it was proposed to insert the words "on the true faith of a Christian" in the new oath, the same speaker repeated his former statement, and further said: "The House of Commons had chosen to adopt a resolution by means of which a person of the Jewish faith presenting himself at the table could be admitted on taking the oath, omitting the words 'on the true faith of a Christian,' and that resolution had now become a standing order of the House; it was, therefore, clear that, so far as the House of Commons was concerned there was no impediment whatever to the admission of the Jews to Parliament. The resolution had broken down the barrier completely, and the Jew walked in without any difficulty and took his seat. With regard to their Lordships' house—suppose Her Majesty were to be advised to raise a Jew to the dignity of the peerage, would their Lordships refuse to pass a resolution dispensing with that portion of the oath which required him to say he made the declaration 'on the true faith of a Christian'? Their Lordships would hardly be disposed to adopt a course which would be an insult to the Crown;

¹ Hansard, vol. 182, p. 1349.

and, therefore, he considered that there was practically no impediment to the admission of Jews to their Lordships' house. Under these circumstances there was, as he had said, nothing left to fight for! Immediately the principle he had maintained was sacrificed all grounds for further resistance were gone; therefore he did not oppose the second reading of the Bill, and must now decline to vote for the amendment¹." The amendment was not pressed to a division, and the one relic of intolerance which had survived the eleven years' struggle between the two Houses was swept away, practically without any effort to retain it. It was not, however, for nearly twenty years that any Jew was able to avail himself of the rights now thrown open to his community. At length, in July, 1885, Sir Nathaniel de Rothschild, the first Jew to receive a patent of peerage, under the title of Lord Rothschild, was sworn in as a member of the House of Lords, and took his seat accordingly².

The simplified oath established by the Parliamentary Oaths Act of 1866 was to be administered only to persons about to take their seats in either House of Parliament, but the following year another Act, the Office and Oaths Act 1867 (30 and 31 Vict., c. 75) was passed. It enacted that the new and simplified form of oath should be taken as a qualification for the exercise of any office, franchise, or civil right, instead of the Oaths of Allegiance, Supremacy, and Abjuration, or any form of oath substituted for them (as, for instance, under the Oaths Act and Jewish Relief Act of 1858). Inasmuch as the necessity for making the declaration had, as we have seen, been previously removed by the Qualification for Offices Abolition Act 1866 (29 and 30 Vict., c. 22), henceforth Jews when qualifying themselves for holding any office or civil right would go through precisely the same ceremonies as their Christian fellow subjects.

The Promissory Oaths Act of 1868 (31 and 32 Vict.,

¹ Hansard, vol. 182, p. 1622.

² *Lords' Journals*, vol. 117, p. 335.

c. 72), introduced by Lord Chelmsford when again Lord Chancellor, and in consequence of the report of the Royal Commission on the subject appointed in the year 1866, and reappointed after the change of government in the same year, again modified the form of the oaths, and enacted the three very simple forms of the Oath of Allegiance, the Official Oath, and the Judicial Oath, which have already been set out, and which are still in force.

Finally, the Promissory Oaths Act of 1871 (34 and 35 Vict., c. 48), in addition to repealing the section in the Jewish Relief Act of 1858, which excluded Jews from some of the highest offices of state, formally repealed all the statutes establishing the old forms of oaths and declarations which had been superseded and rendered obsolete by the Promissory Oaths Act of 1868 or earlier Acts. This Act passed through both Houses of Parliament without opposition, and almost without discussion. Since it became law Jews have been on precisely the same footing in regard to political rights as their Christian fellow subjects, with this exception only, that they cannot exercise any right of ecclesiastical patronage attaching to any office they may happen to hold.

CHRONOLOGICAL TABLE.

- 1070. A number of Jews brought from Rouen by William I.
- 1194 (?). Exchequer of the Jews established by Richard I as a separate department, and Justices of the Jews appointed.
- 1232. *Domus Conversorum* opened by Henry III.
- 1271. Ordinance of Henry III prohibiting Jews from holding lands in fee, and having Christian servants.
- 1275. Statute de la Jeverie or de Judaismo.
- 1290. Banishment of the Jews by Edward I.
- 1401. Statute de Haeretico, 2 Hen. IV, c. 15.
- 1558. Acts of Supremacy and Uniformity (1 Eliz., c. 1 and c. 2).

1575. General expulsion of Aliens by Queen Elizabeth.
- 1580-1592. Legislation against recusants (23 Eliz., c. 1, 29 Eliz., c. 6, 35 Eliz., c. 1 & 2, &c.).
1605. Gunpowder Treason and Plot.
New legislation against Popish recusants.
The new Oath of Obedience and Allegiance "on the true faith of a Christian" (3 Jac. I, c. 4).
1608. Calvin's case.
1609. Applicants for naturalization required to take the sacrament of the Lord's Supper (7 Jac. I, c. 2).
1612. Last execution for heresy in England.
1617. The last claim of villenage in an English court.
- 1618 (?). The Jews fly from England in consequence of the issue of a commission for the execution of the laws against Jesuits, &c.
1625. Act for punishing divers abuses committed on the Lord's Day, commonly called Sunday (1 Car. I, c. 1).
1627. Act for the further reformation of sundry abuses committed on the Lord's Day, commonly called Sunday (3 Car. I, c. 2).
1630. Treaty with Spain, by virtue of which Spanish subjects were exempted from the laws against recusants.
- 1635 (?). Carvajal settles in England.
1640. Court of High Commission abolished (16 Car. I, c. 11).
1648. The Independents obtain control of Parliament.
1649. Petition of the Cartwrights of Amsterdam for the re-admission of the Jews.
Execution of Charles I.
1653. The Instrument of Government. The law against recusants relaxed, but not so far as to give immunity to persons not believing in Christianity.
1655. Menasseh Ben Israel arrives in England. The Whitehall Conference.
1656. War between England and Spain. Capture of Jamaica.
Case of Antonio Robles.
Commission to treat with the Jews of Amsterdam given by Charles II to General Middleton.
1657. Departure and death of Menasseh Ben Israel.
1658. Death of Oliver Cromwell.
1660. Declaration of Breda.
Restoration of Charles II.

Navigation Act (12 Car. II, c. 18) excludes from the colonial trade aliens unless naturalized or made denizens.

Petitions against the Jews referred to Parliament by the Privy Council.

1661. Corporation Act (13 Car. II, st. 2, c. 1).
And following years. A number of Jews granted letters of denization.
1662. Act of Uniformity (13 & 14 Car. II, c. 4).
Dec. 26. First Declaration of Indulgence.
1663. Public worship openly and regularly performed in the synagogue. Organization of the Jewish community.
1664. The Conventicle Act (16 Car. II, c. 4).
Threatened attack on the Jews by the Earl of Berkshire. Their petition to the king for protection favourably answered.
1665. The Five Mile Act (17 Car. II, c. 2).
1667. Robeley and Langston. Jewish witness allowed to be sworn on the Old Testament.
1670. Second Conventicle Act (22 Car. II, c. 1).
1672. Second Declaration of Indulgence.
James, Duke of York, openly embraces Catholicism.
1673. The Declaration of Indulgence cancelled.
The Test Act (25 Car. II, c. 2).
The principal Jews indicted for meeting together for the exercise of their religion.
Petition of Abraham Delivera and others. Order in Council to stay all proceedings against the Jews.
1674. Rebuilding of the synagogue. Lease for twenty-five years taken.
1677. Act for the better observation of the Lord's Day, commonly called Sunday (29 Car. II, c. 7).
The Writ de haeretico comburendo abolished (29 Car. II, c. 9).
1678. The Parliamentary Test Act (30 Car. II, st. 2).
1684. A Jew's right to maintain an action recognized by the Court of King's Bench (Lilly's *Practical Register*, vol. I, p. 4).
1685. Death of Charles II, and accession of James II.
Forty-eight Jews charged with recusancy.
Petition of Joseph Henriques and others to the king. Formal Order in Council to stay these proceedings. "His Majesty's intention being that they" (the Jews) "should not be troubled on this account, but quietly enjoy the free exercise of their religion, whilst they behave themselves dutifully and obediently to his government."

1687. Declaration of Indulgence.
1688. The Revolution. Deposition of James II.
1689. New and simplified oaths of supremacy and allegiance.
The dispensing power of the Crown, saving previous charters and grants abolished.
The Toleration Act (1 Will. & Mary, c. 18), the benefit of which was restricted to Protestant Trinitarians [extended to Unitarians in 1813, Roman Catholics in 1832, and Jews in 1846].
Proposal to impose special taxation on the Jews. Their petition to Parliament not received. The projected tax withdrawn.
1694. Jewish marriages expressly included in the provisions for the tax upon marriages (6 & 7 Will. & Mary, c. 6).
1698. The Act against blasphemy and profaneness (9 Will. III, c. 35).
1701. The Act of Settlement (12 & 13 Will. III, c. 2).
Death of James II. His son's title to the English throne recognized by Louis XIV.
The oath of abjuration invented (13 & 14 Will. III, c. 6).
1702. Act to oblige Jews to maintain and provide for their Protestant children (1 Anne, c. 24).
1707. Voters at Parliamentary elections may be required to take the oath of abjuration (6 Anne, c. 78).
1708. The Foreign Protestants' Naturalization Act (7 Anne, c. 5).
1714. The requirement of taking the oath of abjuration imposed in 1701 on all public officers, &c., continued. Members of Parliament not to vote or sit before taking the said oath (1 Geo. I, st. 2, c. 13).
1718. The Religious Worship Act (5 Geo. I, c. 4) forbids attendance with the insignia of office at any nonconformist place of worship.
1723. Jewish landowners required to take the oath of abjuration allowed to omit the words "on the true faith of a Christian" (10 Geo. I, c. 4).
1728. First (Annual) Indemnity Act (1 Geo. II, st. 2, c. 23).
1730. British Nationality Act (4 Geo. II, c. 21).
1732. Attempt to arouse popular animosity against the Jews by the blood accusation frustrated (*Rex v. Osborne*).
1739. The custom of requiring the oath administered prior to receiving the citizenship of London to be taken on the New Testament held to be good (*Rex v. Bosworth*).

1740. The Plantation Act (13 Geo. II, c. 7) enables Jews to be naturalized in the colonies without taking the sacrament or pronouncing the final words of the oath of abjuration.
1743. Held in *Da Costa v. De Paz* that a legacy for instructing Jews in their religion could not be so applied.
1744. Held in *Omychund v. Barker* that all persons who believe in a Supreme Being are competent witnesses, and should be allowed to take the oath in the form binding upon them according to the tenets of their religion.
1753. Jewish marriages exempted from the provisions of Lord Hardwicke's Marriage Act (26 Geo. II, c. 33).
The Jews Naturalization Act (26 Geo. II, c. 26) passed. Consequent agitation against the Jews.
1754. The Jews Naturalization Act repealed (27 Geo. II, c. 1).
1765. Death of the Old Pretender. The form of the oath of abjuration finally settled (6 Geo. III, c. 53).
1770. First Jews admitted as solicitors; being permitted to omit the final words of the oath of abjuration.
1772. British Nationality Act (13 Geo. III, c. 21).
1781. The Sunday Observance Act (21 Geo. III, c. 49). Places of amusement (admission to which is by payment) open on a Sunday to be deemed disorderly houses.
1784. The Alien duties abolished by Pitt (24 Geo. III, sess. 2, c. 16).
1791. Roman Catholic Relief Act (31 Geo. III, c. 32).
1793. Lord Grenville's Aliens Act (33 Geo. IV, c. 4) temporary but periodically renewed till 1826.
1794. Act for the better observance of the Lord's Day by persons exercising the trade of bakers (34 Geo. III, c. 61). Provisions of this Act with some modifications embodied in the Bread Acts (3 Geo. IV, c. 6, s. 16; and 6 and 7 Will. IV, c. 37, s. 14).
1811. Held in *Lindo v. Unsworth* that a Jew is excused from giving notice of dishonour of a bill of exchange on the Day of Atonement.
1812. Charities "for the benefit of any persons of the Jewish nation" exempted from the provisions of the Act for registering and securing charitable donations (52 Geo. III, c. 102, s. 11).
The Places of Religious Worship Act (52 Geo. III, c. 155) repeals the Five Mile Act and the Conventicle Act, &c.
1813. Unitarians admitted to the benefit of the Toleration Act (53 Geo. III, c. 160).

1823. Jewish marriages exempted from the provisions of the Marriage Act (4 Geo. IV, c. 76).
1825. The necessity of taking the sacrament as a preliminary to naturalization abolished (6 Geo. IV, c. 67).
Repeal of the Navigation Act (6 Geo. IV, c. 105).
1826. The temporary Aliens' Acts discontinued, and the system of registration of aliens substituted (7 Geo. IV, c. 54).
1828. Declaration "on the true faith of a Christian" substituted for the sacramental tests imposed by the Corporation and Test Acts (9 Geo. IV, c. 17).
1829. Roman Catholic Relief Act (10 Geo. IV, c. 7).
1830. Mr. Robert Grant's Bill for repealing the civil disabilities of the Jews refused a second reading by the House of Commons.
Jews admitted to the freedom of the City of London, and allowed to take the oath on the Old Testament.
1832. The Roman Catholic Charities Act (2 & 3 Will. IV, c. 118).
1833. Mr. Francis Goldsmid called to the Bar.
The Jewish Civil Disabilities Bill passed by the House of Commons, but refused a second reading by the House of Lords.
1834. The Jewish Civil Disabilities Bill again passed by the House of Commons, but refused a second reading by the House of Lords.
1835. Mr. Salomons elected Sheriff of London. The Sheriffs' Declaration Act (5 & 6 Will. IV, c. 28).
Mr. Salomons elected Alderman and unsuccessfully attempts to be admitted.
1836. The Registration of Aliens Act (6 & 7 Will. IV, c. 11).
The Jewish Civil Disabilities Bill passed the House of Commons a third time but sent to the Lords too late to receive a second reading.
The Marriage Act (6 & 7 Will. IV, c. 85) and the Registration Act (ibid. c. 86) recognize the validity of Jewish marriages, make special provision as to their registration and give statutory recognition to the London Committee of Deputies of British Jews.
1837. Quakers, Moravians, and Separatists Relief Acts (1 & 2 Vict., c. 5 and c. 15).
Mr. Grote's motion to extend the relief to Jews rejected by the House of Commons.
1838. The Oaths Act (1 & 2 Vict., c. 105).
1841. Mr. Divett's bill for the admission of Jews to Corporate Offices, known as the Jews' Declaration Bill, passes the House of

Commons and receives a second reading in the House of Lords but is refused a third reading.

1844. The system of naturalization by certificate from a Secretary of State introduced by Mr. Hutt's Naturalization Act (7 & 8 Vict., c. 66).

Repeal of the laws against recusants and other penal enactments so far as they affected Roman Catholics.

1845. Act for the relief of persons of the Jewish religion elected to municipal offices (8 & 9 Vict., c. 52).

1846. The Religious Disabilities Act (9 & 10 Vict., c. 59) repeals the laws against recusants and other penal statutes and extends the benefit of the Toleration Act to the Jewish religion (see also 18 & 19 Vict., c. 86, s. 2).

1847. Baron Lionel de Rothschild elected Member of Parliament for the City of London.

1848. Lord John Russell's Jewish Disabilities Bill passes the Commons but is refused a second reading by the Lords.

1849. Lord John Russell's Parliamentary Oaths Bill (altering the oath in favour of Jews) passed by the Commons but rejected by the Lords.

Baron de Rothschild obtains the Chiltern Hundreds and is re-elected.

1850. Baron de Rothschild unsuccessfully attempts to take his seat in Parliament.

1851. Lord John Russell's Oath of Abjuration (Jew) Bill passed by the Commons but rejected by the Lords.

Mr. David Salomons, having been elected member for Greenwich takes his seat in the House and is forcibly removed.

1852. The case of *Miller v. Salomons*.

1853. Lord John Russell's Jewish Disabilities Bill passes the Commons but is rejected by the Lords.

1854. Lord John Russell's Parliamentary Oaths Bill, creating a new oath which Jews could take, refused a second reading in the House of Commons.

Oxford University Reform Act (17 & 18 Vict., c. 81).

1855. Places of Religious Worship Registration Act (18 & 19 Vict., c. 81) makes provision for the registration of Jewish synagogues.

Act for securing the Liberty of Religious Worship (18 & 19 Vict., c. 86).

1856. The Marriage Act (19 & 20 Vict., c. 119) makes special provisions as to Jewish marriages and gives statutory recognition to the West London Synagogue of British Jews.
Cambridge University Reform Act (19 & 20 Vict., c. 88).
Mr. Milner Gibson's Oath of Abjuration Abolition Bill passed by the Commons but rejected by the Lords.
1857. Lord Palmerston's Oaths Bill having passed the Commons by a large majority is rejected by the Lords.
Lord John Russell's Oaths Validity Amendment Bill introduced in the House of Commons but abandoned before the second reading stage.
Baron de Rothschild resigns and is re-elected.
1858. Lord John Russell's Bill "to substitute an oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for the relief of Her Majesty's subjects professing the Jewish religion" passes the Commons and receives a second reading in the Lords, but in committee the clause enabling Jews to omit the words "on the true faith of a Christian" is struck out. The Commons appoint a Committee to confer with the Lords. Baron de Rothschild is appointed a member of and serves on the Committee. Lord Lucan's suggestion for compromise accepted.
The Oaths Act (21 & 22 Vict., c. 48), and the Jewish Relief Act (21 & 22 Vict., c. 49), the result of the compromise.
Baron de Rothschild sworn as member of the House of Commons.
1860. Endowed Schools Act (23 & 24 Vict., c. 11).
The Act (23 & 24 Vict., c. 63), enables the House of Commons to make a Standing Order for the swearing in of Jewish members.
1866. Parliamentary Oaths Act (29 & 30 Vict., c. 19) introduces a new oath to be taken by Members of Parliament not containing the words "on the true faith of a Christian," thus enabling Jews to be sworn in as members of the House of Lords.
Qualification for Offices Abolition Act (29 & 30 Vict., c. 22) renders it unnecessary to make and subscribe the Declaration imposed by 9 Geo. IV, c. 17, in lieu of the sacramental test.
1867. Office and Oath Act (30 & 31 Vict., c. 75) (1) throws open the office of Lord Chancellor of Ireland to all subjects. (2) Enables persons holding office to attend any place of worship with the insignia of their office. (3) Substitutes the form of oath

- created by the Parliamentary Oaths Act of 1866 for that required to be taken by office holders and others.
The last of the Annual Indemnity Acts (30 & 31 Vict., c. 88).
1868. Promissory Oaths Act (31 & 32 Vict., c. 72) introduces new and simpler forms of (1) the oath of allegiance; (2) the official oath; (3) the judicial oath.
The Public Schools Act (31 & 32 Vict., c. 118).
1869. The Endowed Schools Act (32 & 33 Vict., c. 56).
1870. The Naturalization Act (33 & 34 Vict., c. 14).
Elementary Education Act (33 & 34 Vict., c. 75).
1871. The Workshop Regulation Act Amendment Act (34 & 35 Vict., c. 19) permits Sunday labour in the case of young persons and women professing the Jewish religion.
The Universities Tests Act (34 & 35 Vict., c. 26).
The Promissory Oaths Act (34 & 35 Vict., c. 48) repeals obsolete Acts relative to promissory oaths, and removes the disability of Jews to hold certain high offices imposed by the Jewish Relief Act of 1858.
The Sunday Observation Prosecution Act (34 & 35 Vict., c. 87) forbids prosecutions for Sunday labour under the Lord's Day Act of 1677 except with the consent of the chief officer of the police district or two magistrates, &c.
1872. The Ballot Act (35 & 36 Vict., c. 33) contains provisions enabling Jews to vote on their Sabbath.
1878. The Factory and Workshop Act (41 Vict., c. 16) continues the permission of Sunday labour by Jews.
1885. Sir Nathaniel de Rothschild created a peer.
1888. The Oaths Act (51 & 52 Vict., c. 46).
1898. Jewish marriages excluded from the provisions of the Marriage Act, 1898 (61 and 62 Vict., c. 58).
1901. The Factory and Workshop Act (1 Edw. VII, c. 22) continues the recognition of the right of Jews to work on Sundays.
1902. The Education Act (2 Edw. VII, c. 42).
1905. The Aliens Act (5 Edw. VII, c. 13).
1906. Jews marrying foreigners in the United Kingdom exempted from the necessity of obtaining a certificate under the Marriage with Foreigners Act (6 Edw. VII, c. 40).

H. S. Q. HENRIQUES.

CRITICAL NOTICES.

GEDEN, ALFRED S. *The Masoretic and other Notes contained in the edition of the Hebrew Scriptures published by the British and Foreign Bible Society.* Translated and explained. With the co-operation of the Rev. JOHN H. RITSON. Second edition: London, 1906. 95 pp. 8vo. (Bible House Papers: No. X. Price 1s. net.)

DIESES kleine masoretische Wörterbuch, das, wie der Herausgeber in der Vorrede bemerkt, zu den masoretischen Notizen, welche die von der "Bible Society" verbreiteten hebräischen Bibeln enthalten, als Schlüssel dienen soll, füllt eine fühlbare Lücke aus, denn die Kenntnis der Masora ist wenig verbreitet und leider äusserst mangelhaft. Neben diesem Hauptzweck erfüllt die Arbeit noch einen anderen, nicht minder wichtigen, dadurch, dass sie die gleichen Notizen, welche zu mehreren, öfters zu überaus zahlreichen Stellen des Bibeltextes gegeben werden, unter einem Schlagworte sammelt und hierdurch einen Gesamtüberblick ermöglicht. So z. B. sieht man unter **יָתִיר** (Seite 29), dass die weitaus meisten als überflüssig angezeigten Buchstaben die auch als *matres lectionis* dienenden schwachen Laute **א ה ו** sind, während von starken Lauten, wirklichen Konsonanten, nur **ב** (1), **ל** (3), **צ** (5) und **ק** (1) als überflüssig bezeichnet werden. Genauer besehen, ist aber kein einziger dieser Buchstaben überflüssig, denn es handelt sich nur um abweichende grammatische Formen: **עָלִין** (Dan. iv. 4, v. 8, v. 10 **עָלִית**) statt **עָלָה**, beziehungsweise **עָלָה**; **מַחְצִירִים** (1 Chr. xv. 24, 2 Chr. v. 13, vii. 6, xiii. 14) statt **מַחְצִירִים**. Das als überflüssig bezeichnete **ק** gehört ebenfalls zu dieser Wortform, denn es findet sich in **מַחְצִירִים** (2 Chr. v. 12), das sicherlich nur aus **מַחְצִירִים** verschrieben ist. Dass in **בְּנִשָּׁךְ** (Prov. xxviii. 8) das zweite **ב** ganz gut bleiben kann, ist selbstverständlich.

Interessante Zusammenstellungen bietet die Liste der "anderen Lesearten" (**נִסְחָא אַחֲרִינָא**, nicht **נִסְחָא אַחֲרִינָא**, pp. 33-36), der "Sebirin" (37-38), wo man eine andere Leseart anzunehmen versucht wäre, und hauptsächlich diejenige der "Qeri und Kethib" (42-76). Es sind insgesamt etwa 1100 Wörter, also eine stattliche Anzahl, wenn man bedenkt, dass die ganze heilige Schrift rund 300,000 Wörter enthält. Die Geschichte der "geschriebenen" und

„gelesenen“ Wörter ist wohl noch nicht geschrieben, doch ist es eine Uebertreibung, wenn unser Verf. sagt: „Of the origin and history of these readings nothing is known“ (9). Denn die Qeri und Kethib waren schon den Autoritäten des Talmuds und des Midrasch bekannt, was hier nur kurz angedeutet werden soll. Verf. bemerkt mit Recht, dass es nicht überall klar ist, welche Lesung der Konsonantentext fordert (10). Sicher ist indes, dass er unhebräische Wortformen zu geben nicht beabsichtigte. Verf. hätte also bei solchen Kethib, bei denen eine offenbar irrthümliche Schreibung durch Verwechslung des ם mit ם (oder umgekehrt) oder durch Metathese und dgl. vorliegt, auf die Vokalisation des Kethib besser verzichtet. Eine Form, wie חֲבִי 2 Kōn. iii. 24 (p. 52) oder חֲבִי Jos. xvi. 3 (p. 43), kann das Kethib unmöglich gemeint haben. Gegen die Grammatik verstößt עֲנִי Job xxiv. 4 (p. 69), wo es nach Jes. xi. 4, Zeph. ii. 3, Ps. lxxvi. 10 עֲנִי heißen muss. Inkonsequent ist es, wenn Verf. Ex. xxii. 4 בְּעִירָה vokalisirt und auch sonst das ה am Ende des Wortes als mit ם gleichwertiges orthographisches Zeichen betrachtet, und dennoch auf derselben Seite (43) Num. x. 36 בְּנִתְהָה gibt.

Doch würde eine eingehende Kritik dieses Punktes den Rahmen einer Besprechung sprengen, es sei mir deshalb nur gestattet an einem Kethib zu zeigen, dass es vom Qeri mit Unrecht beseitigt wurde. Fünfmal wird וָעֵה vom Qeri in וָעֵה geändert (Jer. xv. 4, xxiv. 9, xxix. 18, xxxiv. 17, 2 Chr. xxix. 8), während es Jes. xxviii. 19 belassen wird. Der Schreiber kann doch nicht an 6 Stellen denselben Fehler gemacht haben? Merkwürdigerweise findet sich וָעֵה auch noch in der Mischna (Berach. 9, 2) und im Talmud (Levy, *Nh. Wörterbuch*, I, 525). Ich glaube nun, dass dieses Qere seinen Ursprung Deut. xxviii. 25 (auch Ez. xxiii. 46) verdankt, wo das Wort durch Metathese die Form וָעֵה erhalten hat. Es wäre noch zu untersuchen, ob der Sprachgebrauch des Pentateuchs auch andere Qeres veranlasst hat. Eine in neuerer Zeit angestellte Untersuchung über die Kethib und Qere ist mir gegenwärtig nicht zugänglich.

Diese Hinweisungen zeigen die Nützlichkeit des Buches, das trotz seiner lexikalischen Anordnung der systematischen Durchforschung der Masora, mithin auch des Bibeltextes vorzügliche Dienste leisten kann. Auf alle Fälle wird es nützliche Anregungen bieten. An diesem Gesamturteil werden auch die folgenden Ausstellungen, die für ein Elementarbuch allerdings etwas zuviel sind, nichts ändern. Wir folgen nun dem Buche von Seite zu Seite.

S. 5. Zum Terminus Masora ist zu bemerken, dass nach Bacher מְסֹרֶת gesprochen werden muss und dass dies Wort Ez. xx. 37 entlehnt ist (*J. Q. R.*, III, 785–90; *Älteste Terminologie der jüdischen Schriftauslegung*, 107–8). Doch glaube ich aus Gründen, die hier

nicht erörtert werden können, dass die richtige Wortform מסורת lautet und dass Rabbi Akiba in seinem Spruche סִיּוּן לְחֻרָה (Aboth, 3, 13) trotz der alten Kommentare nicht die Masora gemeint haben dürfte. Auf alle Fälle ist es falsch, wenn unser Verf. S. 5 behauptet, dass die jüdische Tradition die Anfänge der Masora Moses selbst zuschreibt, von wem sie in ununterbrochener Ueberlieferung auf die Synagoga magna gekommen sei. Verf. hat die Worte משה קבל תורה מסיני ומסרה ליהושע durch Missdeutung des Wortes מסרה auf die Masora bezogen. Doch ist Abot 1, 1 nicht von einem Zaun um den Toratext, sondern von einem "Zaun um die Lehre," d. h. von rabbinischen Gesetzen die Rede, die die biblischen Gesetze mit einem schützenden Gehege umgeben. Der fragliche Spruch der "Männer der grossen Versammlung" ist von keinem Kommentator je anders aufgefasst worden. Auch die andere Behauptung des Verfassers, dass die tiberiensischen Gelehrten im sechsten oder um das sechste Jahrhundert die auf den heiligen Text bezüglichen Notizen geordnet, aufgeschrieben, vermehrt und mit dem Namen Masora versehen hätten, entbehrt jeder historischen Angabe.

"And the original meaning of some of the signs employed for this purpose, as for instance the points or dots above or below a word (*infra*, 3),—if indeed they always had a meaning and were not mere accidents of the pen,—has been lost beyond recall" (p. 7). Zuvörderst ist der ingeniöse Einfall vom Ursprung der aussergewöhnlichen Punkte als Tintentropfen abzuweisen. Warum fiel der Tintentropfen mit einer einzigen Ausnahme stets über die Buchstaben? Warum fiel er an manchen Stellen über mehrere, einmal sogar über elf Buchstaben? Warum verspritzte die Feder ihre Tinte in der Tora, dem am sorgfältigsten geschriebenen Buche, zehnmal, und in den fast dreimal so umfangreichen Propheten und Hagiographen nur halbsovielmal? Ferner ist es nicht richtig, dass der ursprüngliche Sinn der *puncta extraordinaria* unwiderbringlich verloren ist, denn sowohl die allgemeine Geschichte des Schriftwesens, als auch die Angaben der jüdischen Tradition, die nachweisbar mindestens bis in den Anfang des zweiten Jahrhunderts unserer Zeitrechnung zurückreichen, stellen es ausser Zweifel, dass diese Punkte ein—allerdings schüchternes—*dela* aussprechen. Näheres findet der Leser in meinen Schriften *Masoretische Untersuchungen* (Strassburg i. E., 1891), 5-40; *Zur Einleitung in die Heilige Schrift* (Strassburg i. E., 1894), 113-120; und in Roman Butin's 136 Seiten starken Monographie *The Ten Negudoth of the Torah* (Baltimore, 1905), die ich in der *J. Q. R.*, XIX, 411-419, besprochen habe.

Auch über andere Eigentümlichkeiten des heiligen Textes trägt Verf. nur die alten Meinungen vor, wie z. B. über die schwebenden

Buchstaben. Eine Hinweisung auf *Mas. Unters.*, 46-9, und auf *Zur Einleitung*, 106-8, hätte dem Leser nicht geschadet. In der ersten Schrift (40-45) glaube ich wahrscheinlich gemacht zu haben, dass die umgekehrten ם in Num. x. 35, 36 nichts anderes sind, als die Abkürzungen für נקוד, wie ם für פתחה und ם für סתמה. Die ältesten Angaben kennen nämlich für diese Stellen nur Punkte, die vor und nach dieser Schriftstelle gesetzt waren. Auch über die Finalbuchstaben im Inneren von einzelnen Worten war aus *Zur Einleitung*, 100-6 manches zu holen. — Ganz eigentümlich ist die Beweisführung des Verf., dass die Masoreten nicht die Erfinder der Vokale und Accente sein können, weil sich in der Masora zu den Vokalen und Accenten Bemerkungen vorfinden, "but that on the contrary these had already been so long in existence as to have acquired a certain prescriptive right, although inferior to the consonants and not inspired" (8). Dies beweist aber nur, dass die Erfinder der Vokale und Accente nicht die Verfasser der zu diesen gehörigen Notizen sind, aber nicht, dass die Erfinder keine Masoreten sein konnten. Die Masora ist, wie auch Verf. annimmt, das Produkt der Arbeit von Jahrhunderten, warum sollen also die späteren Masoreten keine Bemerkungen zu den von ihren Vorgängern erfundenen Vokalen und Accenten haben machen können? Es ist überhaupt unhistorisch, wenn man glaubt, dass es bei den Alten eine eigene Klasse von Masoreten gegeben habe, vielmehr war in der Regel der Kinderlehrer, Bibelschreiber und Masoret ein und dieselbe Person. Sicher ist allenfalls, dass Vokale und Accente ihren Ursprung der Schule verdanken.

Die *Qere perpetua* sind nach dem Verf. "Worte, die aus irgendwelchem Grunde bei der öffentlichen Vorlesung in der Synagoge nicht ausgesprochen werden durften." Als Hauptbeleg gilt der Gottesname יהוה. Doch zählt Verf. (10) auch הוה für הוה im Pentateuch, sowie ירושלם, יששכר, שנים und שמים zu dieser Wortgruppe, während es doch klar ist, dass bei diesen Wörtern gegen die Aussprache nach dem Kethib keine Bedenken vorhanden sein konnten und dass hiebei nur sprachgeschichtliche Momente ausschlaggebend waren. Das Wörterbuch selbst, der Hauptteil der Arbeit, ist leider auch nicht fehlerfrei. Doch sollen der Kürze halber die häufig fehlenden oder überflüssigen Dagesch in den hebräischen Wörtern, sowie manche Inconsequenzen, nicht angemerkt werden. Die erste Ziffer bezeichnet die Seite, die zweite die Zeile. Die Korrektur folgt nach dem Doppelpunkt.

9, n. 2 אָמַנְתָּ : אָמַנְתָּ. — 13, 12 fehlt die Schriftstelle. — 13, 19 אֵין כָּאן "there is not a regular pause." Das von mir hervorgehobene Wort ist eine irrtümliche Uebersetzung des Wortes כָּלל, das in Ver-

bindung mit א' "überhaupt nicht" bedeutet.—13, 2 von unten ist statt "2 Ki. x. 18" vielleicht 1 Ki. xii. 32 zu lesen.—16, 20 בְּתָבִי, richtiger יָד בְּתָבִי. So nach der traditionellen Lesung auch in בְּתָבִי וְהָפֶשֶׁת.—17, 2 v. unt., 19, 6 v. u. und oft קְטוּצָה; nach וְנִשְׁקָה ist קְטוּצָה zu vokalisieren.—18, 7; 27, 8; 28, 9 und 13 חָצִי : חָצִי. Statt בְּתִיבוֹת lies בְּתִיבוֹת.—Unter הַפָּסָרָה (21) bemerkt Verf., dass darunter die den Paraschen der Tora entsprechenden Lektionen aus den Propheten zu verstehen sind und fügt hinzu, dass 290 פְּתוּחָה und 379 סְתוּמָה in der Tora vorhanden sind. Dies ist hier nicht am Platze, denn die Haphtaren gehören, wie Verf. selbst bemerkt, nicht zu diesen, sondern zu den *Wochen-Paraschen*. In demselben Artikel (22, 9) hat der Druckfehler-Teufel gewaltet, indem er statt *Great Sections Greek Sections* setzen liess. Der Wochenabschnitt wird sowohl mit פָּרָשָׁה als auch mit סֵפֶר bezeichnet, daher werden in den gedruckten Bibeln zwischen zwei Perikopen drei ו oder drei ס gesetzt. Die Liste der Haphtaren ist eine nützliche Zusammenstellung. Falsch ist 24, 4 die Erklärung, dass die Haphtara von Schekalim "zu lesen ist an dem Tage, an welchem die Schekalim in Empfang genommen wurden." Es handelt sich doch um einen Sabbat! Es ist der letzte Sabbat vor dem ersten Adar, dem Tage, an welchem man auf die Pflicht des Schekelzahlens öffentlich aufmerksam machte, gemeint. Ähnlich wäre bei פָּרָה ו' (25, 17) zu bemerken gewesen, dass sie eine der vier Sabbatperikopen ist, die vor dem Pesachfeste gelesen werden.

25, 16 וְאָרָא : וְאָרָא.—27, 5 קְטִיעָה : קְטִיעָה.—30, 5 רְבִתִּי : רְבִתִּי.—31, 6 וְרִיעָא : וְרִיעָא (Druckfehler).—32, 4 und 7 לְמַעַרְבָא : לְמַעַרְבָא.—Unter נִקְרָה עַל (p. 37) wäre der Vollständigkeit wegen auch Deut. xxix. 28 aufzuführen gewesen, das nur p. 28 unter נִקְרָה גֵּוֶה gebracht wird.—38, 8 v. u. חֲלִיָּה : חֲלִיָּה.—57, 12 יָרָא : יָרָא.—76, 14 אַחֵר (= nach, während אַחֵר = anderer ist).—77, 5 אֶלְהָ : אֶלְהָ.—77, 11 אֶתָּה : אֶתָּה.—78, 1 וְחָזִיו : וְחָזִיו (Druckfehler).—78, 2 v. u. שְׁמֹנֶה : שְׁמֹנֶה (fem., richtig p. 79, 8 v. u.).—82, letzte Zeile וְלֹאֶשָׁה : וְלֹאֶשָׁה.—84, 3 v. u. אֲנִשְׁיָהּ : אֲנִשְׁיָהּ.—85, 5 v. u. Ps. xlii. 1 : xlii. 2.—87, 6 Joel iii. 13 : iv. 13.—87, 14 Ps. xlvii. 5 : xlvii. 6.—87, 4 v. u. Ge. xxxii. 1 : xxxii. 2.—88–92 פִּסְקֵי חֲמִשָּׁה מַלְאָכִים fünfmal im 7 Dagesch, während es sonst richtig ohne Dagesch erscheint.—90, 6 חֲדָשׁ יְמִינוֹ : חֲדָשׁ יְמִינוֹ.—90, 7 יָפֶס : יָפֶס (Ps. lxxviii. 26).—91, 7 נִגְדָּה : נִגְדָּה.—Es finden sich in der Vokalisation manche Druckfehler, die zumeist durch Abspringen von Punkten verursacht wurden. Ein Vokalisationsfehler steckt aber in dem dreimal (30, 18 und 20; 39, 11) vorkommenden בְּהַעֲמֹדָה, das richtig בְּהַעֲמֹדָה punktirt werden muss.

Zum Schluss werden die masoretischen Schlussbemerkungen übersetzt (77-92). Zuvörderst sei bemerkt, dass der am Ende von Regum (83) angeführte Bibelvers Jesaia xl. 29 nicht zur Masora gehört, sondern eine Schreiberformel ist. Die Verszahl der Genesis wird mit $\text{ל'ל} \text{ל'ל}$ (=1534) ausgedrückt. Diese Formel dürfte "Nur für den Herrn" (=ל'ל) bedeuten und vielleicht eine Anspielung auf Ex. xxii. 19 oder Num. xiv. 9 enthalten. Dass die Masoreten auch die eine Zahl ausdrückenden Buchstaben so gruppirt, dass das Merkwort einen Sinn ergebe, sieht man bei נטף (=859, aus Ex. xxx. 34), das bei Levitikus, und aus הנץ (=955, aus Deut. xiv. 15; Lev. xi. 16), das bei Deut. angewendet wird. Die masoretischen Schlussbemerkungen sind in Bezug auf die Angaben der Abschnitte und der Kapitel (סדרים und פרקים) ganz inkonsequent. Bei den fünf Büchern des Pentateuchs sind beide angegeben; bei den Propheten und Hagiographen ist die Kapitelzahl nur bei Jeremia verzeichnet; die Angabe der Abschnitte (סדרים) fehlt bei Hohelied, Ruth und Klage- lied, während sie bei Kohelet und Ester verzeichnet ist. Zu bemerken wäre noch gewesen, dass die Verzeichnung der Kapitelzahl neueren Datums ist, denn die Masora hat die Einteilung in Kapitel nicht gekannt. Sie wurde, wie bekannt, von Mordechai Nathan in seine hebräische Konkordanz übernommen, wo sie zum erstenmal auf die hebräische Bibel Anwendung gefunden. Die mnemonischen Bibelverse sind natürlich spätere Erfindungen und gehören eigentlich nicht zur Masora. S. Baer hat in seiner Jesaiaausgabe sich in der Zahl der Bibelverse geirrt und für diese falsche Zahl ein eigenes Mnemonikon erdichtet, das als altmasoretisches Gut figurirt. Die kritische Behandlung der Masora muss derartige Elemente ausscheiden und überhaupt die einzelnen Bestandteile chronologisch feststellen. Diese Arbeit ist noch nicht in Angriff genommen worden, obgleich sie die erste und unerlässliche Vorarbeit für alle masoretischen Forschungen bildet. Von dem vorliegenden Buch ist so etwas selbstverständlich nicht zu fordern.

LUDWIG BLAU.

BUDAPEST, 13. Febr. 1907.

"THE PROBLEM OF THE OLD TESTAMENT¹."

THE book which bears the above title is an elaborate study of recent criticism of the Old Testament by one who possesses a wide acquaintance with the literature and feels himself bound to issue a solemn warning against its tendencies. *Nubecula est quae cito evanesceat*—such is its motto, and it invites the attention of those who have declared their adherence to methods of research which are admittedly modern, and have accepted conclusions which, in the author's opinion, are precarious, unsound, and doomed to perish. Whilst a book of this kind will not unnaturally be welcomed by those who are opposed to biblical study, it would be a great mistake to class it with productions whose tone or character render them almost beneath notice. Dr. Orr, the author, tells us that he has had the present work in view for many years. As one engaged in the teaching of theology his interest had been continually aroused in the labours of the growing number of biblical critics; no longer a matter of choice, it was necessity which forced him to pay regard to their opinions. "The time is past when the discussion of Old Testament questions can be left wholly to professional experts, who represent one, but only one, of the many points of view necessary to be taken into account in considering this subject" (p. xiv). With these words Dr. Orr justifies (if that were needed) his entrance into the field, and it is useful to quote his words, because "professional experts" already, in fact, represent the most diverse points of view, and because it is well to remark that whilst Dr. Orr's own position is essentially the theological, the O. T. is studied at the present day for other than devout purposes. In other words, the O. T. is a storehouse of material which attracts students of the Ancient East, and some are more concerned with the work of criticism in its inquiry after the truth than in the bearing of each advance upon the traditional faith. Moreover, when Dr. Orr speaks of "professional experts," the epithet implies a preparation and equipment which those who openly profess their opposition should surely not be without.

Now, additional interest is attached to Dr. Orr's book from the circumstance that it has been crowned by the Bross prize of 6,000 dollars. This handsome award is made by the Trustees of Lake Forest University for the best work which fulfils the conditions laid

¹ *The Problem of the Old Testament considered with reference to recent criticism.* By James Orr, D.D., Professor of Apologetics and Systematic Theology, United Free Church College, Glasgow. (Nisbet & Co.)

down by the generous donor. From the deed of gift it appears that the founder desired "to call out the best efforts of the highest talent and the ripest scholarship of the world, to illustrate from science or any department of knowledge . . . to demonstrate the divine origin and authority of the Christian Scriptures . . . and show how both Science and Revelation coincide. . . ." In a word, the prize is offered for the best apologetic work, and Dr. Orr's publication (only sent to the arbiters in proof as an afterthought) will doubtless be held to have deserved its reward. For this and other reasons it will readily be understood that it has produced considerable impression upon its numerous readers. It is written with earnestness, quiet conviction, and an absence of direct diatribe which carries weight—if the truth be told, the book throughout is distinctly unfair, but this is a fault which one is willing to excuse when it is found that the writer has not adopted the tone and language which is sometimes common. Nevertheless, in the future, when the aims of biblical criticism are less misunderstood, even Dr. Orr will be considered sufficiently perverse¹. For the present, it is enough that Dr. Orr writes seriously, with the intense conviction that the critics are mistaken; and a serious work is to be taken seriously. We have now a book which will rank as the standard authority of those who are opposed to modern criticism, one, indeed, which, more than any other work of similar tendency, will be held to represent the general position of the conservative side. Such a book is not without its use for future expositions of O. T. criticism.

It would be impossible to deal fully or even adequately with a work of over five hundred pages within the limits of a review. Moreover, the task is unnecessary. The fundamental weakness of Dr. Orr's personal opinions has been so clearly demonstrated by others² that it is waste of space to restate the critical position. It would be useless in these pages to spend any time upon the emphasis with which Dr. Orr reproduces arguments which are antiquated or beside the mark. For example, the familiar *argumentum ad terrorem* appears much too often, and when Dr. Orr is persuaded that modern criticism,

¹ After reading Dr. Orr's book one was at once reminded of Pusey's misapprehension of the critics of Daniel: "disbelief had been the parent not the offspring of their criticism; their starting-point, not the winning-post, of their course" (quoted in Estlin Carpenter's *The Bible in the Nineteenth Century*, p. 173). But such an attitude is common among those unfamiliar with the character or necessity of critical literary or historical investigation.

² E. g. by Prof. Addis in the *Review of Theology and Philosophy*, Sept. 1906; and by Prof. Peake in the *Contemporary Review*, April, 1907.

"must, if carried out to its logical issues . . . prove subversive of our Christian faith . . ." (p. xv), it is surely unnecessary for any one to refer to the numerous writers who have come to an opposite conclusion. Dr. Orr's objection is similar to that which successive pioneers of science (or of any study in which biblical evidence was at stake) have had to face, and the experience of history in the past goes to show that it was the dogma and not the assured results of research which man has been compelled to adjust. The results which some fear at the present day from the work of biblical criticism are analogous to those dreaded in past centuries, and it is impossible at this age to condemn a study because of the "logical issues" that are alleged.

Moreover, it is only necessary for Dr. Orr to *prove* that modern research "rests on erroneous fundamental principles" (p. xv) and he will attain his goal. This research is an attempt to handle problems on methodical lines—if once Dr. Orr, or any one else, will demonstrate that the methods are unsound, there is no necessity to bring in arguments which only confuse the issue. Now, it is extremely suggestive that the author candidly admits that the course of biblical criticism "with all its attendant evils . . . has been productive, under the providence of God, of many benefits which in large measure counterbalance if they do not outweigh these evils" (p. 9). I should have liked to quote the whole page in which Dr. Orr discharges his debt to criticism, since I must confess that it has puzzled me more than any other in the whole of his book. Here the author admits the great fundamental principle of criticism—its legitimacy. Every one who studies the O. T. in the light of modern knowledge is, he says, to some extent a "higher critic." The careful scrutiny of the actual phenomena of the Bible "on the principles which it is customary to apply to all literature" is freely granted. "There is nothing in such scholarly examination of the Bible, even though the result be to present some things in a new light, which need alarm any one." It is not too much to say that any one who carefully weighs Dr. Orr's words will agree that he ought never to have written them—they ruin the object of his book. Elsewhere, too, writing on supernatural prediction as an element in prophecy, Dr. Orr admits the good that criticism has done in the vivification of the study of the prophets and in promoting a better understanding of their meaning (p. 452 sq.). Again, any one can see that it is not permissible for the author to make such concessions. The methods which have led to the results of which he approves are precisely those which have led to less acceptable conclusions, and it is often nothing more than arbitrariness which causes him to draw a dividing

line here and there between what is sound and unsound. It is not justifiable for a writer to approve of the tendencies of critical study only in so far as they agree with his own subjective standpoint; but one must confess that this appears to be Dr. Orr's attitude.

Is it the spirit of contrariness which leads him to replace the theory that similarity of incidents arises from diversity of authorship by the view that the same author incorporates varying narratives in his history (p. 237)? Other cases could be cited to illustrate the perverseness with which critical hypotheses are disposed of in favour of views which are apparently thought to be more in accordance with the tradition. The same spirit is evident when he admits that the patriarchal stories are "not contemporary narration, but history in the form of *carefully preserved tradition*" (p. 87) . . . "tradition having the rounded dramatic character which narratives naturally assume as the result of repeated telling, and recorded in the form in which they finally reached the literary narrator" (p. 88). It is even granted that "a measure of 'idealization' and reflection of later ideas and conditions" may not be excluded both in the patriarchal narratives and also in the book of Joshua where allowance is to be made "for the generalizing tendency peculiar to all summaries" (p. 240). This is slipshod criticism, but it is criticism of sorts, and the careful reader who observes Dr. Orr's concessions and compares them with former traditional standpoints will realize the advance which criticism has forced, and may even be excused if he asks himself why the author should have found so much to say against the opinions of critics.

But a great deal of space is devoted to the examination of the differences between individual critics or schools of criticism, and one can easily imagine with what amusement Dr. Orr's carefully compiled conspectus of divergences could be greeted. It would be incorrect to say that he shows himself better acquainted with critical literature than with criticism itself because he knows criticism is necessary and employs it. But when one perceives that he is ready both to blame the so-called "certainties" of recent criticism and to scoff at its "uncertainties," one must confess that much of the book is unintelligible. Critics of the most diverse standpoints are played one against the other; where they agree, their "fundamental principles" are wrong; where they disagree, it is because of their preconceived ideas that difficulties exist; and yet—and yet in spite of this, Dr. Orr appears to believe sincerely that the benefits of criticism "counterbalance if they do not outweigh" its evils.

"The Problem of the Old Testament," as Dr. Orr conceives it, is the reconciliation of its problems with tradition, and the key is virtually the obscuring of the phenomena with which scholars have

been grappling. It is with pleasure, therefore, that one notes his concluding sentence wherein he begs those who have yielded too ready or indiscriminating an assent to the positions of the modern critical movement to examine more carefully their foundations. It is a request with which every critic will cordially agree *provided only* that the reader at the same time impartially and patiently examines his O. T. for himself. Let any one consider how biblical criticism has grown up from the laborious investigation of details with which not one, perhaps, in a hundred troubles himself; let him reflect how these investigations have had to stand the severest scrutiny from scholars who have worked through the same evidence; how scholars have arrived independently at essentially similar results starting from the principles which Dr. Orr freely admits; let him finally remember how sincere and devout workers representing all points of view have felt compelled to accept the new movements of biblical study. To those who know intimately the critical work of the last thirty or forty years and the character of the controversial literature, Dr. Orr's book will perhaps appear antiquarian—successive scholars in the past have replied to objections and criticisms precisely identical to those here brought forward, and one is bound to state that it would have been a more serviceable achievement had the author devoted more attention to the refutation of the replies in the past than to the study of handbooks and textbooks of critical study.

One asks oneself: Will it always be necessary to demonstrate the initial steps of biblical criticism? The answer depends entirely upon those who guide popular opinion and upon their attitude to its progress. Already Dr. Orr's book marks an advance upon former traditional views, but it indicates a stage which is intellectually unsatisfying. What methodical student, who knows the principles of literary and historical criticism elsewhere, could rest content with the vague conclusions reached by Dr. Orr or by any other writer opposed to modern criticism. Immediately one allows the necessity and the legitimacy of biblical criticism one must choose between haphazard study and one that strives to be methodical; between a nebulous idea that the old traditional standpoint is faulty and the honest attempt to recover the truth; between the recognition of difficulties and the unprejudiced attempt to unravel them; between a vague and uncertain attitude (which it is impossible to define) and the "moderate" critical views which have won or forced the approval of scholars of all creeds and classes. It is not enough for opponents to attack the intricacies of Pentateuchal or Hexateuchal criticism. It is futile to attempt the criticism of Deuteronomy

without considering the Deuteronomic style and phraseology in the historical books. It is equally insufficient to propose to overthrow the hypotheses encircling "P" without taking into account the progress of ideas between Kings and Chronicles. No less misguided is the attack upon critical theories of the Law which does not consider the Prophets. In the present book, for example, Wellhausen is perhaps cited more often than any other critic and Wellhausen has told us of the one great stumbling-block in the tradition. He had read himself well into the historical and prophetic books of the O. T. and found, as his knowledge of the Law increased, that it was the Law which marred his enjoyment of them. "Dimly," he says, "I began to perceive that throughout there was between them all the difference that separates two wholly distinct worlds." And this is the experience of the ordinary biblical critic, and the one with which the opponents to biblical criticism do not seriously grapple. Consequently whilst biblical scholars are testing past steps and making fresh advances, ephemeral opponents are still struggling with the most elementary stages of criticism.

When all has been said, however, the fact remains that Dr. Orr has laid his finger upon some real weak points in modern critical theories. He has not succeeded in showing that the literary phenomena which call for explanation exist only in the imagination of the critic, and where he himself exercises criticism, he is hopelessly inadequate and intellectually unsatisfying. But he has often made keen remarks upon the views which have come to prevail among the critics, and cases could be cited where, in the opinion of the present writer, one is obliged either to accept an impossible position, that of the tradition, or to make a further advance. In this Dr. Orr finds himself in agreement with what has been observed by others else where; there are weak points in the present historical reconstructions which necessitate either a more stringent and comprehensive criticism or—a return to positions known to be untenable. The work of criticism has been analytical; it is followed by synthetic and constructive representations in which the thread of the tradition has been followed as closely as possible. If some of Dr. Orr's remarks are sound it will be necessary to undertake a revision—not of the elementary analytical steps, but of the general historical outline which has been reconstructed. But Dr. Orr is not the only one to perceive the existing anomalies, and the recent writings of Winckler, A. Jeremias, and Baentsch may suggest that biblical criticism after reaching a certain stage has been temporarily diverted from the right path. Dr. Orr himself has drawn attention to the present situation, regarding it as evidence of the insecurity of the critical

position, and he has emphasized statements which two of the above scholars have felt bound to utter, as though any weakness in the explanatory theories involved the failure of the preliminary steps¹. A situation has arisen which might easily lead to increased misunderstanding, and there is a possibility that the more vital differences among those engaged upon O. T. research could provoke quite incorrect inferences regarding past progress.

In order to apprehend the work of biblical research it will be convenient to notice very briefly three of its aspects. In the first place, a great deal of attention has been devoted to the O. T. from the point of view of comparative custom and religion, and it has been proved conclusively that the Israelites shared much the same thought and usage as their neighbours. It is the essentially national character of their writings which makes them depict as specifically Israelite that which has analogies or parallels elsewhere, and the feature is now generally recognized. One understands and appreciates the Israelite standpoint, but viewed critically it is subjective. There is, in fact, a certain similarity in Eastern life and thought which allows one to appraise more securely the distinctive features in the O. T.², and for the historian the Israelites are one of a number of related peoples in a land in which the same essential underlying conditions both precede and follow the period covered by O. T. history.

Next, the enormous progress of Assyriological and Egyptological studies has vividly illuminated the position which Israel held in the Ancient East. The history of Israel is the history of only one of the small states lying between the great powers; each ran its own course, and in estimating the career of Israel it is requisite to view events not only from within—from the biblical standpoint—but from without. The records of the Israelites give only their point of view, and for the study of the history it is necessary both to go behind them and to supplement them. It is the merit of Winckler to have lifted O. T. history out of the somewhat narrow lines upon which it had previously been studied and to emphasize the necessity of a more comprehensive attitude towards the subject. Both Winckler and A. Jeremias have drawn striking pictures of the ancient world, and of that culture which apparently spread over Palestine and Syria, and in spite of faults and exaggeration in their exposition it is

¹ See the *Expository Times*, Dec. 1906, p. 120; *Princeton Theological Review*, April, 1907, p. 182 sq.

² Cp. Orr, p. 10.

impossible not to realize that they force a reconsideration of biblical history from another standpoint¹.

But, finally, all are agreed as to the necessity of *some* criticism when the literary phenomena of the O. T. are concerned, and the past labours of literary criticism prove that *some* hypothesis is necessary to account for their origin. Since the phenomena are so complicated no simple hypothesis will suffice, and no one has as yet succeeded in overthrowing the theory that now holds the field or in presenting a satisfactory alternative². The Graf-Wellhausen hypothesis can be stated in various ways, but put in the briefest terms as the starting-point for the work of synthesis and reconstruction, it is the conclusion that the account of the history of Israel (Genesis—Kings) is, in the main, due to two recensions of earlier material—the one on the lines of Deuteronomy, the other, later, on the lines of post-exilic priestly teaching. Obviously there are numerous questions relating to the dates, limits and character (a) of both recensions, (b) of the earlier sources incorporated by them, and (c) of other sources (early or late) of independent origin, but the above in several respects appears to the present writer the most convenient method of stating the general conclusion.

It is under these three aspects that the problems of the O. T. are to be handled and the failure to pay sufficient regard to the various points of view seems to be one of the common causes of misunderstanding. Whatever our knowledge of the Ancient East might lead us to expect, whatever traditions were current, it is clear that for biblical study the criticism of the records which actually survive is indispensable. What confusion can arise from the adoption of too narrow a standpoint is apparent in discussions of the patriarchal narratives. Dr. Orr picks holes in the critical views which have been held regarding the dates assigned to them (pp. 67 sqq.), and he quotes with approval a portion of Gunkel's conclusion to the effect that the details go back as far as 1200 B. C. A. Jeremias, moreover, urges that the narratives must belong to the period to which the tradition attributes them on the strength of their evidence for

¹ Again cp. Orr, p. 396, bearing in mind, however, that his remarks upon the "attitude and tactics of rationalistic critics" are distinctly biased and one-sided.

² These words are written deliberately, with full cognizance of the works of Klostermann and others, including even recent attempts by Mr. Wiener or by the Rev. A. C. Robinson to prove the inadequacy of the Graf-Wellhausen hypothesis by the alleged refutation of details. It must not be ignored that the literary phenomena demand an explanation which mere random criticism does not furnish.

culture, thought, &c. Here we are certainly on insecure ground, because Jeremias himself has taken pains to show that the related elements of culture are found throughout the O. T., in the N. T., and in post-biblical literature¹. His material would only prove that the narratives are in accordance with old Oriental conditions, and less ambiguous criteria are required for determining their date. The prevalence of similar underlying conditions throughout the ages naturally explains why some of the post-exilic laws contain elements of great antiquity—the written source gives the details in the form which they had taken in the writer's time, and the attempt to ascertain the precise age of any source cannot start from the criticism of elements which do not admit of being dated. So far as the patriarchal narratives are concerned, the certain *literary* conclusion is that we owe them in their present form to the priestly recension; the dates of the earlier narratives incorporated therein are questions upon which the last word has not been said, and it is the first duty of historical criticism to inquire how far their contents can be used for the history of the period to which they are relegated. Dr. Orr's conclusion that they are for the most part "carefully preserved tradition" is not proved by his own arguments, and simply begs the whole question.

The problems of the O. T. turn essentially upon historical investigation. The analysis of documents into their component parts is to a great extent independent of the treatment of the results in the light of Hebrew history, and Robertson Smith has observed that considerable progress had been made in the work of analysis before anything important was settled on the question of the laws²: "The strength of the present position of Pentateuch criticism is in good measure due to the fact that two lines of inquiry have converged to a common result." The historical criticism which brought the Priestly Code from the commencement of Israelite history and placed it at the end, although fundamentally changing the perspective, stood the independent test of the literary analysis. This agreement between the results of historical and literary criticism is typical, and it is impossible to resist the conviction that whatever advance may be made in the following thirty years³, the initial work of literary analysis and the recognition of the relative position of the legal codes will remain unchanged. "No science is ever complete, and biblical

¹ Cp. also E. Bischoff, *Babylonisch-Astrales im Weltbilde des Thalmud u. Midrasch*.

² *Old Testament in Jewish Church* (2nd ed.), p. 390, and especially p. 392.

³ Wellhausen's *Prolegomena* was published in 1878.

science is no exception to the rule¹." Each generation tests the labours of its predecessors with more perfect tools, and whatever be the precise form which the next advance may take—and it is impossible to ignore the signs of movement abroad—it is not difficult to foresee that it will be due to the first two aspects of biblical study (above), aided, one may hope, by a greater strictness in the historical method.

At the outset, the O. T. itself gives us the current views of past history in two forms: Genesis—Kings, Chronicles—Ezra—Nehemiah, and it is obvious that an historical change necessitated the different handling of Judæan history which appears in Chronicles. It is from the study of internal evidence that the first great work (Genesis—Kings) reveals previous stages of development, and one result of criticism has been to agree with other aspects of biblical research in proving the subjective character of the records. It is seen that the recensions preserve accepted or canonical views of the past which may or may not be correct, and it is evident that the historian has not a number of distinct documents at his command, but a written history (if not histories within histories) prepared for definite purposes. Further, when it is recognized that our records are due to Deuteronomic and Priestly recensions of older sources, the relative position which the older sources now hold is not necessarily that which they held in their original fuller form. It does not necessarily follow, in fact, that the successive recovery of older traditions will give a consecutive thread representing an older view of the history.

The traditional history of Israel looks back upon a great invasion of united tribes, a common movement ending with a successful occupation of the land, and one must admit that in itself the outline is entirely plausible and is supported by historical analogy. Indeed, in several respects it is (viewed superficially) more intelligible than the critical theory of a gradual settlement, an intermingling with earlier inhabitants, an almost absolute absorption and a recrudescence of national religious spirit. Is there no *tertium quid*? In due course a monarchy was instituted which, however, was soon followed by the partition of the tribes—the separation of Israel from Judah. The former fell about two centuries later, the latter survived until its great catastrophe in the first quarter of the sixth century. But Judah succeeded in effecting a reconstruction, and ultimately, under the influence of a new spirit, founded Judaism and made a complete breach with Samaria. Thus, at a time when the traditions were taking their present form, the crucial centuries for the growth of Judaism could be divided into three periods: (a) the age of the

¹ H. P. Smith, *Old Testament History*, p. viii.

rivals Judah and Israel, (*b*) the survival of Judah, its fall and re-organization, and finally (*c*) the steps leading up to the Samaritan schism. For historical criticism (the investigation of the traditions preserved in Deuteronomic and priestly recensions) it is ultimately necessary to consider the evidence in the light of the history of *b* and *c*; to work back from the recensions to the incorporated sources rather than to work forward. And here one is at once struck by two features—the claim of Judah to represent the true Israel, and the obscurity which hangs over the history of the second and third periods.

The greatest care has been taken to elucidate the former feature, and the importance attached to it is evident from the space given to the earliest period when Judah was reckoned along with other tribes among the sons of the ancestor Israel—Jacob. The explanation is perfectly natural and is part of the scheme which runs throughout. It is quite in agreement with it that the history of the northern kingdom ceases with the fall of Samaria. But no one who has read himself into biblical history will suppose that the history of the land north of Judah ceased towards the close of the eighth century, and one is compelled to allow that there is a certain artificiality in the sources, which are now of Judæan origin. One is bound to admit that the compiler of Kings is in accord with the prevailing traditional outline, and whilst one is able to understand the plan to which he gives effect, one cannot ignore the necessity of attempting to gauge life and conditions in the northern kingdom after its fall. But this unity of design, intelligible when one considers the Judæan standpoint, has already been weakened in other places. Nobody can patiently examine the evidence which has been brought to bear upon the traditions of the invasion and the conquest without the conviction that the traditional view is beset with the most serious internal difficulties, whether as regards the actual narratives which have been employed for the purpose, or in the course of subsequent history (*viz.* the Judges). Many scholars have been compelled to reject the invasion of a united Israel as described in the book of Joshua; a number are inclined to attribute the growth of Judah to a separate movement, and some have even questioned whether relations between Judah and Israel began before the days of David. Apart from the arguments of individual writers, the tendency of past historical criticism is sufficiently drastic, since the explanation of the incorporation of Judah under Israel, and the claim of the former to the latter title, demands an adequate historical background which is gradually being destroyed.

Next, when one descends to the closing historical traditions, it is

certain that the period which ended with the Samaritan schism had not been one of unceasing hostility. The records are provokingly silent upon the previous relations, and those which have survived feel the smart of more recent events. The general trend of recent criticism of Ezra—Nehemiah has at least shown that there is some insecurity in the chronicler's history, and when this is taken into consideration with the chronological gaps in the present books, the blanks in the crucial periods of biblical history become the more remarkable¹. These are blanks which future research will endeavour to fill, and if indirect evidence points to close relations between the people of the north and of the south, the attention which the writers pay to the early ages before the days of the rival kingdoms will become more striking².

The unity of design underlying the biblical history is such that fatal flaws in any part of it affect the whole, and it appears to be inexact method to attempt to apply the conclusions gained from an investigation of one period to the traditional representation of another. Because a land or people has had a history it does not follow that it took the precise course described in its national

¹ These emphasize more vividly the difference between the chronicler's history, and the earlier. The chronicler had access to several sources which are lost, but he passes over events of the sixth century preserved in Kings and in Jeremiah. And the significant feature is that the history of Kings, at all events, is incomplete (cp. also Holzhey, *Buch d. Könige*, Munich, 1899, p. 48 sq.).

² In attempting to realize the position of popular religion in Samaria, one will naturally ask whether the influence of a Hosea would not survive the fall, and one will note that literary criticism has recognized a late Ephraimite or Elohist strand approximating the Deuteronomic standpoint. Further evidence might be found in the independent history of the northern kingdom with its prophetic narratives. It is at least certain that some kind of Yahweh worship continued, but it would be precarious to estimate its value entirely from the denunciations of advanced prophets. In Judah the best as well as the worst of the population suffered in the exile, but the general religious condition can be partially estimated by regarding the type of man like Micah whom the peasantry could produce, and by the literary evidence for the exilic revision of earlier prophecies. In both north and south the fall of the monarchy must have given an impetus to the non-official and popular cults, and, if national history went for anything, the reversion to non-monarchical life may be expected to have led to closer relations. But when we come to search the subsequent historical traditions our source is the chronicler's work, and in his time the Samaritan schism was a comparatively recent event.

records, and it is only necessary to observe native sources elsewhere to realize the scrutiny to which the scanty biblical traditions should be subjected from every point of view. The one great problem of the O. T. from the historical standpoint is Judah=Israel, and there are two features in particular which seem to be of the first importance in handling it. The first is the fact that the traditions in their final form are due to Judæan recensions; the second is the evidence for an independent national history of Israel (as opposed to Judah). It is clear that the Judæan compiler of the book of Kings has taken over an Israelite source, and fragments of similar origin can in all probability be found in the books of Samuel¹. Were there not kings before Jeroboam I, from the (north) Israelite point of view? But whilst one naturally recognizes two independent histories where the history of the divided monarchy is concerned, the fragments in the preceding books are apt to be rejected or obscured because of their failure to agree with other narratives which belong to the predominating—the Judæan—view. To the present writer, at all events, it seems extremely probable that other traces of the specific northern standpoint can be found in Joshua and Judges, particularly in passages which the modern reconstructions are obliged to reject²; and when one considers the extent to which some of the traditions in biblical history diverge, it would seem that the endeavour to adhere as closely as possible to the prevailing traditional outline, by rejecting discordant details, misunderstands the nature of the sources and does not make sufficient allowance for radical variations in the representation of the history as also of the religion of the past.

¹ Not only can one find similar annalistic matter for both Judah and Israel (*J. Q. R.*, XIX, pp. 372, 374, 379 sq., 383 n. 1), but there appears to be a more than superficial resemblance between the literary treatment of Israelite history from Ahab to Jehu (the relative amount of space given to these few years is striking), and that for the first king of Israel and his rise. Needless to say, if it is correct to recover the annalistic thread for both kingdoms in both Samuel and Kings, the result is suggestive for literary criticism; at present the origin of the literary structure of the concluding chapters of Samuel and the opening of 1 Kings is extremely obscure (*J. Q. R.*, XIX, p. 380 n. 1).

² Necessarily, when one takes as an example the difficulties in the statements regarding the early fortunes of Jerusalem, which, it is now generally held, did not become "Israelite" until David's time (but see *J. Q. R.*, XIX, p. 392 n. 1). According to the new suggestion, on the other hand, the O. T. has preserved details regarding the history of Jerusalem from two absolutely distinct standpoints—the (north) Israelite and the Judæan.

In conclusion, it would be a great mistake to suppose with Dr. Orr that the recent movement abroad proves the insecurity of the critical position. The traditional history has been proved to stand in need of a reconstruction, and attempts have been made to build up, from the older traditions, an edifice which is regarded as the early history of Israel. If it is impossible to resist the conviction that none has yet been found which does sufficient justice to the evidence viewed in every aspect, the fault lies with the building and not with the foundations, and those to whom Dr. Orr might point as proof of the insecurity of *critical reconstructions of Israelite history* differ vitally from him in admitting the claims of literary criticism. But the opinion may be ventured that the writers in question have allowed themselves to be swayed too much by the archaeological evidence, which, however illuminating, stands upon quite another footing as compared with the native written records. The precautions that are necessary when very diverse material is being examined, will be realized when one perceives the mistakes which could be made if a future age had to investigate the early history of this country from a composite work made up from historical writings extending over two or three centuries (say to the time of Geoffrey of Monmouth), and from archaeological and external evidence. It is obvious that in the case of the Israelites the native material must be the starting-point, and the literary-critical view of its structure accounts at once for the apparent unity; and it not only shows that the internal problems of one period cannot ultimately be disassociated from the whole, but it also explains why all should prove to be an equally serious character. Here and elsewhere¹ the effort has been made to show that there are problems apart from those of the Exodus, Invasion, and Conquest which are of very real significance for conceptions of Israelite history, and if the arguments have any weight, so far from partial reconstructions being adequate, the choice will lie between the traditional history itself, and such new perspective as shall follow from a more comprehensive study of the entire historical area.

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¹ In the "Introduction" to the separate publication of *Critical Notes on Old Testament History*.

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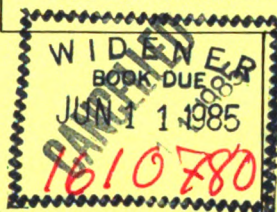
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